



6/18/07 Final USEPA Office of Enforcement and Compliance Assurance FY 07 Multi-Media Grant Program Solicitation Notice

OVERVIEW INFORMATION

A. Required Overview Information

- 1. Agency Name and Office:** U.S. Environmental Protection Agency (EPA), Office of Enforcement and Compliance Assurance (OECA), Office of Compliance (OC)
- 2. Funding Opportunity Title:** FY 07 Multi-Media Grant Program Solicitation Notice
- 3. Announcement Type:** Initial Announcement; Subject to availability; of funding solicitation notice.
- 4. Funding Opportunity Number:** EPA-OECA-NPMAS-07-001
- 5. Catalog of Federal Domestic Assistance (CFDA) Number:** 66.709
- 6. Dates:**
 - August 23, 2007 (12 midnight Eastern Time) – Deadline for submitting applications (proposal and partial grant application) to EPA.
 - September 28, 2007 – Notifications sent to applicants regarding funding recommendations.
 - First quarter FY2008 – Completed grant applications, certifications are due to EPA regional offices.
 - First quarter FY2008– Reprogram funding to appropriate Regions.
 - First quarter FY2008– Issuance of FY 2007 STAG Program Awards.

B. Optional Overview Information

- 1. Description:** The Office of Compliance (OC), within EPA's Office of Enforcement and Compliance Assurance (OECA), is soliciting proposals for states and tribes to strengthen their ability to address environmental and public health threats, while furthering the art and science of environmental compliance. Projects under this Solicitation Notice will be used to build and expand the capacity and ability of the states and tribes to operate their environmental compliance and enforcement program. These funds cannot be used for the actual implementation of the compliance program. This year, EPA is soliciting pre-proposals for the following focus areas: (1) Permit Compliance System (PCS) Modernization and ICIS-NPDES, (2) Tribal Compliance Assurance Training and Workshops, (3) Air Facility System (AFS), and (4) three national priority sectors: Storm Water, Sanitary Sewer Overflows (SSO), and Concentrated Animal Feeding Operations (CAFO). The total grant award to be funded is \$3,100,000 and will be awarded to selected proposals in the range of \$50,000 - \$200,000.

2. **Award Information:** The funds available are from OECA's Multi-Media State and Tribal Assistance Grants (STAG) appropriation. The grants or cooperative agreements should be in the range of \$50,000 to \$200,000, although proposals below or above that range will be considered. The U.S. EPA reserves the right to make no awards under this solicitation. State and tribal matching funds are not required. EPA cannot predict that additional funds for these focus areas will be available in future years. Therefore, states and tribes should assume that these funds will be available on a one-time only basis and should not propose projects requiring additional annual funding beyond the maximum three year period of the grant or cooperative agreement.
3. **EPA Competition Policy:** In accordance with EPA's Assistance Agreement Competition Policy (EPA Order 5700.5A1), EPA staff will not meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria. Applicants are responsible for the contents of their applications/proposals. To provide more detailed information to applicants, answers to frequently asked questions have been prepared and are available at <http://www.epa.gov/compliance/state/grants/stag/index.html>. In addition, applicants may submit questions to Ginger Gotliffe (gotliffe.ginger@epa.gov) by July 25, 2007 and the answers will be added to the Frequently Asked Questions web page.

I. FUNDING OPPORTUNITY DESCRIPTION (Desired Projects)

EPA will only consider funding projects for the focus areas described below which can be completed in three years or less. Applications describing proposals for projects lasting more than 3 years may need to be re-negotiated to a 3 year fundable period. Please note, an applicant must not address more than one focus area in a proposal. Each focus area is separate and proposals from an applicant for each focus area will be evaluated independently. The descriptions of each focus area in this Section provide background information, examples of projects and activities that meet the expectations of this solicitation, as well as the outputs and outcomes expected from this work that link to the goals and objectives of the EPA Strategic Plan.

A. Statutory Authority: As a threshold determination, to be selected for funding, a project must consist of activities within the statutory terms of these EPA grant authorities: CAA §103(b)(3), CWA §104(b)(3), SDWA §1442(a)&(c), RCRA §8001, TSCA §10, FIFRA §20, MPRSA §203, and the Indian Environmental General Assistance Program Act. Most of these statutes authorize grants for the following activities: “research, investigations, experiments, training, demonstrations, surveys and studies.” These activities relate generally to the gathering or transferring of information or advancing the state of knowledge. Grant proposals must emphasize this “learning” concept, as opposed to “fixing” an environmental problem via a well-established method. For example, a proposal to install an established software program to upgrade a computer system would not in itself, fall within the statutory terms “research, studies,” etc. On the other hand, the statutory term “demonstration” can encompass the first instance of the

application of a pollution control technique, or an innovative application of a previously used method. Similarly, the application of established practices may qualify when they are part of a broader project which qualifies under the term “research.” However, EPA cannot fund demonstration projects year after year for an indefinite period of time. Funding priorities must be allowable under 66.709 (Capacity Building Grants and Cooperative Agreements for States and Tribes) of the CFDA. Lastly, federal funds cannot generally be used to provide a match or cost-share for other federal projects.

B. Focus Area - Permit Compliance System Modernization (PCS) and ICIS-NPDES

In FY2007, OECA will continue its effort in the phased implementation of the Integrated Compliance Information System (ICIS). ICIS will be the single source for consolidated enforcement, compliance, and permit data for the National Pollutant Discharge Elimination System (NPDES) program. This new information management system will reduce burden and duplication by providing a single source of data entry, will improve public access to data, support the development of risk reduction strategies, and will provide states with a modernized system to meet their NPDES program management needs.

The Permits Compliance System (PCS), the NPDES legacy system and precursor to ICIS, has little or no data for major new NPDES program requirements, such as Concentrated Animal Feeding Operations (CAFO), Storm Water, and Sanitary Sewer Overflows (SSO). The modernized ICIS system addresses these serious data gaps, provides for easy use of, and access to, the system, utilizes current information technology, supports the Agency's initiative for data integration, and promotes the exchange of data with our state partners via the National Environmental Information Exchange Network and the Agency's Central Data Exchange (CDX).

This project relates to USEPA Strategic Plan goals and objectives:

- Goal 5.1: Improve Compliance

Specifically, the PCS modernization efforts will result in the following outcomes and outputs:

Outputs:

- A modernized and improved information system that contains more accurate, timely and complete information, and addresses today's NPDES program requirements, especially wet weather sources.
- An easier to use system (e.g. simple drop down lists with plain English names, replacing cryptic PCS codes).
- Easier for states to exchange data with EPA using the new system and the National Environmental Exchange Network.
- Migrated and converted state and tribal data from PCS to ICIS.
- State and tribal data that is 'cleaned-up' in PCS for migration and conversion to ICIS per the PCS Data Clean-up List.

Outcomes:

- More complete and accurate information about the NPDES program and water

- quality for the public.
- Improved ability of EPA and states to manage the NPDES permitting and enforcement program, which should improve compliance and thus improve water quality and public health.

The development of the final phase of the PCS modernization, the “batch” component of ICIS will include the implementation of the remaining non-direct entry user states (XML batch submissions of data via the CDX-portal and the National Environmental Information Exchange Network). The batch states can be grouped into two categories: Hybrid and Full Batch states.

- Hybrid states are those states that will electronically transfer (batch) discharge monitoring report (DMR) data from a state system to ICIS and will enter all of the non-DMR NPDES data into ICIS via the ICIS web screens. Most hybrid states are expected to use ICIS to directly manage their NPDES permitting and enforcement program.
- Full Batch states have their own information system to manage the NPDES program and will electronically transfer (batch) all of their NPDES data from their state system to ICIS.

The batch component of the system will be developed and implemented in three major releases:

1. Development and implementation of the DMR data flow (batch) ICIS–NPDES for the hybrid states. Our goal is to identify two to three hybrid states to pilot the DMR XML batch submittal of DMR data to ICIS–NPDES and have these states in production in April 2008. The pilot also would include the migration of the states’ data from PCS to ICIS–NPDES in the same time period. The remaining hybrid states would be implemented for DMR data submittals to ICIS–NPDES and their data migrated from PCS to ICIS–NPDES in August 2008. This means that before the end of 2008, hybrid states would be directly entering all NPDES data into ICIS–NPDES, except for DMR data, which would be electronically transferred (batch) to ICIS.
2. Development and implementation of the functionality for ICIS–NPDES to accept NetDMR submissions of DMR data from facilities electronically reported from the NetDMR tool to ICIS–NPDES. The first version of the NetDMR tool can only be used by those facilities that reside in states that have had their data migrated from PCS to ICIS–NPDES. The NetDMR tool is being developed pursuant to an Exchange Network grant managed by Texas with the participation of 11 other states, OEI and OECA. The NetDMR tool is expected to be implemented with ICIS–NPDES before the end of calendar year 2008.
3. Development and implementation of the non-DMR XML batch data flow from states to ICIS–NPDES (full batch states). This means that the data migration from PCS to ICIS–NPDES for the full batch states would be complete, and those states would be able to flow all of their NPDES data electronically into ICIS–NPDES.

The general purpose of FY2007 grant funding is to support state and tribal efforts to obtain technical assistance to ensure and enhance the continued flow of NPDES data from states and tribes to ICIS. More specifically, grant funding will support clean-up and migration of data from legacy PCS to ICIS, feasibility studies and/or requirements analyses for required data entry into ICIS, and/or pilot studies of state/tribal processes for data collection and entering of required data into ICIS, especially for new NPDES program areas such as CAFOs.

Examples of state and tribal activities to be covered include:

1. Technical assistance to support migration and conversion of state and tribal data from legacy PCS to the new ICIS;

The functionality and the structure of the modernized system will be significantly different from that of the legacy PCS system. Therefore, the migration and conversion of the PCS legacy data to the modernized system, ICIS, will require a substantial amount of work to ensure that data migration is accurate, complete and in the right structure. Migration activities will include preparing the data for migration to ICIS, building specialized PCS data retrievals, and reviewing data error logs from the migration process. For example, the structure and data for handling general permits in legacy PCS is not the same as ICIS. The general permit data in legacy PCS will have to be converted to correspond with the new general permit data requirements of ICIS and then migrated to the structure of the modernized system. More details on the ICIS data migration process and activities can be found in the "ICIS-NPDES Data Migration Plan," dated September 8, 2004, and the "ICIS-NPDES Data Migration Guidance Document." You may request an electronic copy of these documents by contacting Alison Kittle at (kittle.alison@epa.gov).

2. Technical assistance for data clean-up to support the state and tribal conversion and migration of data from legacy PCS to the ICIS;

A critical part of converting and migrating data from legacy PCS to ICIS is the data clean up. This includes preparing for migration, identifying data errors generated in the data migration process, and correcting data in ICIS after the migration is completed. The clean-up effort will involve analyzing identified data errors (including missing data), determining how to best correct the errors, and correcting the data in legacy PCS and ICIS. More detailed information on ICIS data migration clean-up activities can be found in the document "PCS Data Clean-up List." You may request an electronic copy of this document by contacting Alison Kittle at (kittle.alison@epa.gov).

3. Feasibility study/requirement analysis to support states and tribes in considering options and pros/cons of undertaking a transition to the full or direct use of ICIS;

ICIS will support state, tribal and EPA requirements for effective management of the NPDES program. The modernized system contains more comprehensive data for existing (e.g., pretreatment) and new (i.e., CAFO, SSO, CSO, and Storm Water) NPDES program areas and, therefore, supports the ability to more effectively identify and target areas with the most significant environmental and human health risk. As a result of using

new technology, a desk-top, web-based approach, all users of the system will have easy access to the system, thus allowing much improved data retrieval and analysis. States and tribes may decide to use ICIS as their primary system for managing their day-to-day NPDES program activities. To determine if the modernized system would meet most or all of their needs, an analysis of ICIS functionality and data requirements may need to be conducted.

4. Activities to support the development of a requirements analysis for complete entry of wet weather and minor facility NPDES data into ICIS;

ICIS data entry requirements for wet weather and minor facilities for some states or tribes may be resource intensive. A requirements analysis for entering the full amount of minor facility and wet weather data for a state or tribe can be performed to determine the best approach for collecting (if not in a state system) the data. A requirements analysis would also evaluate the steps necessary for data quality assurance checks, reconciliation of legacy PCS, state and tribal data, and data entry.

Technical assistance to support the completion of required data entry into ICIS or NPDES wet weather facilities (i.e., CAFO, Storm Water, SSO, CSO) and minor facilities;

Currently in legacy PCS, only a limited amount of data is stored for wet weather facilities, and PCS does not have sufficient capabilities to allow states to manage their wet weather programs. With ICIS, states will have more functionality to manage their wet weather programs, and this will require an initial entry of basic information on these facilities. Currently in legacy PCS, only a limited amount of data is required for minor facilities. In ICIS more data will be required to better track the compliance status and environmental impact of minor facilities. For example, DMR data will be required for minor facilities. Before DMR data can be entered into the system, other required data (i.e. facility information, outfall data, and limit data) will also need to be entered into PCS.

States and tribes can begin to prepare for the entry of the wet weather data and/or minor data in ICIS by determining where, and in what format, the data resides in their state or tribe; and for batch states obtaining the required wet weather and minor facility data in preparation for the ICIS XML schema mapping. States and tribes may consider several alternatives for this work, such as doing some of the initial data entry in PCS (for those states that have not yet migrated to ICIS), doing some of initial data entry directly into ICIS (for those states that have migrated to ICIS), or batching some or all of the data from their state system to ICIS (for those states that have migrated to ICIS).

6. Activities to support pilot studies of the state and tribal process for collecting and entering the required NPDES data into ICIS for wet weather (CAFO, Storm Water, SSO, CSO), and minor facilities.

In order for EPA and states to achieve the full benefits of ICIS for the wet weather and minor facility program areas, some states may need to analyze and revise their data collection and data entry practices associated with these program areas (as indicated in sections 4 and 5 above). After the analysis is completed, states and tribes may then need to conduct pilot studies to test out these new procedures. For example, a state may conduct a pilot study of its new or revised process for the collection and flow of minor and wet weather data into ICIS focusing on a particular set of facilities (e.g., those discharging to impaired water bodies) or focusing on a particular family of data for all facilities (e.g., facility and permit data for all CAFO). Pilot studies should help states and tribes develop short and long-term plans (i.e., work plans, performance partnership agreements) for completing the work required for the collection and entry of the all the required minor and wet weather facility data into ICIS.

C. Focus Area - Funding Tribal Environmental Compliance and Enforcement Training

In FY2007, grant funding will support two types of environmental training in Indian country and other tribal areas. The two types of environmental training will: (1) improve the ability of tribal environmental professionals to properly and safely conduct inspections pursuant to applicable environmental laws; and (2) increase understanding of the roles and responsibilities of EPA and federally-recognized Indian tribes in ensuring environmental compliance in Indian country and other tribal areas. Due to limited resources, priority will go to proposals that will improve the capabilities of multiple tribes. The funds must be used for building the capacity and expertise of tribes to implement compliance assurance and enforcement programs. These funds cannot be used for the actual implementation of compliance monitoring and enforcement programs.

The funding of tribal compliance and enforcement training is linked to the EPA Strategic Plan in the following areas:

- Goal 5.1: Improve Compliance
- Goal 5.3: Build Tribal Capacity

The following are potential output and outcome measures associated with the Tribal Compliance and Enforcement Training focus area:

Outputs:

- Increased number of tribal environmental professionals, tribal members, or tribal leaders trained in enforcement and compliance assurance areas;
- Increased number of tribes with environmental laws containing inspection and enforcement provisions or environmental regulations, guidance, and procedures for implementing compliance monitoring and enforcement; and
- Increased number of tribes with environmental compliance and enforcement programs.

Outcomes:

- Improved understanding of the range of regulated facilities in Indian country will improve tribal environmental decision making, including how to respond to environmental compliance needs in a more timely and appropriate manner;
- Improved understanding of who is responsible for ensuring compliance with federal, tribal, and state environmental laws will improve the ability of regulatory agencies to take appropriate action to address and resolve non-compliance;
- Improved tribal government knowledge of why compliance assurance and enforcement is an integral part of encouraging regulated businesses and other companies to meet their environmental obligations;
- Improved ability of tribes and tribal members to understand environmental compliance and enforcement issues in Indian country.

Examples of tribal training activities to be covered include:

1. Improve the ability of tribal environmental professionals to conduct compliance monitoring inspections in Indian country.

Inspectors are able to assess and monitor compliance at regulated facilities consistent with applicable laws. EPA maintains authority to conduct compliance monitoring inspections in Indian country under applicable federal environmental laws. EPA also maintains discretionary authority to ask tribes and states to conduct civil compliance monitoring inspections on behalf of the Agency under a variety of federal environmental statutes. Tribes maintain inherent authority to conduct compliance monitoring inspections in Indian country under tribal environmental laws. In addition, tribes are eligible to conduct inspections under several federal environmental laws after obtaining “treatment in the same manner as a state” approval from EPA.

Proper training is essential to ensure that tribal inspectors are able to safely and properly conduct inspections. This is essential regardless of whether inspections are conducted pursuant to federal or tribal laws and who conducts the inspection. EPA developed a series of training protocols designed to ensure that inspectors are safely and properly trained. These protocols divide the types of inspector training into three categories: (1) “basic” inspector training; (2) “media-specific” inspector training; and (3) “health and safety” training. Basic inspector training is designed to provide inspectors with an overview of all aspects of inspection preparation, conduct, and follow-up. The course also introduces various federal environmental laws and regulations. Media-specific training is designed to teach inspectors how to apply the detailed legal and technical requirements of a particular environmental law during an inspection. Health and safety training is designed to provide inspectors with information on hazards, including how to avoid exposure to such hazards that may arise while conducting inspections.

OECA will consider funding for basic inspector training, media-specific inspector training, and/or health and safety training courses for inspectors. Potential grantees should review and understand EPA Order 3500.1 *Training and Development for Compliance Inspectors/Field Investigators* at <http://www.epa.gov/Compliance/resources/publications/monitoring/cwa/inspections/npde>

[sinspect/npdesinspectappa.pdf](#) and the *Guidance for Issuing Federal EPA Inspector Credentials to Authorize Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA*

(<http://www.epa.gov/compliance/resources/policies/monitoring/inspection/statetribalcredentials.pdf>). In addition, potential grantees may wish to review information available from the National Enforcement Training Institute at <http://www.netionline.com/>.

2. Increase understanding of the roles and responsibilities of tribes in ensuring environmental compliance in Indian country and other tribal areas.

Federal and tribal environmental laws and regulations are major tools to protect the environment and human health in Indian country and elsewhere, and apply to a wide array of regulated facilities. EPA recognizes federally-recognized tribal governments as the primary parties for setting and enforcing standards for Indian country. In addition, several federal environmental laws authorize EPA to treat an eligible tribe in the same manner as a state for implementing and managing certain environmental programs, including compliance assurance and enforcement programs. EPA retains aspects of certain enforcement programs even when a tribe gets approval of the whole program. Unless and until a tribe obtains program approval, EPA maintains the compliance assurance and enforcement program in Indian country under applicable federal environmental laws. EPA-approved state programs generally do not apply in Indian country and tribal lands. An exception exists when a state asks for, establishes that it is entitled to, and obtains EPA approval of its program for such areas. Alaska, which has tribes, over 200 Alaskan Native village corporations, and 13 regional for-profit corporations, presents unique issues due to the Alaska Native Claims Settlement Act and Alaska v. Native Village of Venetie Tribal Government, 522 U.S. 520.

OECA will consider funding training and workshops for tribal government officials and tribal environmental professionals that are designed to improve understanding of the roles and responsibilities for ensuring compliance with environmental laws in Indian country and other tribal areas, including those in Alaska. The workshops may cover a range of topics, including but not limited to, the importance of compliance assurance, how enforcement encourages regulated entities to meet their environmental obligations, the range and types of facilities in Indian country (tribal, non-tribal, federal), the role of tribal and non-tribal members in compliance assurance and enforcement programs, jurisdictional issues that arise when ensuring compliance in Indian country, roles and tools for protecting tribal resources, characteristics of an effective compliance and enforcement program, and how EPA, tribes, and states can coordinate in ensuring compliance. As a specific example, the workshop(s) could discuss how tribes can develop solid waste compliance assurance and enforcement programs that comply with the Resource Conservation and Recovery Act (RCRA). Potential topics could include the following: ensuring compliance under federal environmental laws and tribal inherent authority (i.e., the creation of solid waste codes to address open and illegal dumping, the need for tribes to obtain sustainable program funding, how tribes can provide compliance assistance to the regulated community, how and when tribal enforcement actions against code violators is appropriate, and tribal coordination with EPA and states). Potential

grantees should review and understand the *EPA Policy for the Administration Of Environmental Programs on Indian Reservations* (November, 8, 1984), the *Enforcement Guidance on the 1984 Indian Policy* (January 20, 2001), media-specific program material, and for training related to Alaska, the Alaska Native Claims Settlement Act and *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998). See <http://www.epa.gov/indian/1984.htm>.

D. Focus Area – Improving Flow of State Data to the Airs Facility System (AFS) through the Universal Interface (UI)

The AFS system contains compliance and enforcement data for stationary sources of air pollution regulated by EPA, states, tribes, and local air pollution agencies. Any regulatory authority of stationary source air pollution must report certain types of information which are known as the minimum data requirements (MDRs). The MDRs are identified in the Information Collection Form (ICR) for the AFS system. For more information on MDRs go to <http://www.epa.gov/Compliance/resources/publications/data/systems/air/mdrshort.pdf>. This information is used by the entire environmental regulatory community to track the compliance status of point sources with various programs regulated under the Clean Air Act (CAA). Agencies can report to AFS via an online connection or through a batch file transfer from their own data management systems. Batch file transfers can be accomplished via state-owned conversion programs or facilitated by the use of the Universal Interface (UI), a software tool provided by U.S. EPA to state, local, and tribal agencies. More information on the UI can be found at <http://www.epa.gov/Compliance/data/systems/air/afsui/>. The UI's successful use has significantly reduced reporting burden of the MDRs and has saved agencies the cost of maintaining conversion software. Eighteen (18) agencies currently use the software, and several additional agencies are in the UI implementation process.

This project relates to USEPA Strategic Plan goals and objectives:

- Goal 5.1: Improve Compliance

Specifically, the improving the flow of state data through the UI will result in the following outcomes and outputs:

Outputs:

- Streamlined and less burdensome process for reporting state enforcement and compliance air data into AFS;
- Cost savings for states that no longer need to maintain their own conversion software
- Customized reporting of state air enforcement and compliance stationary source data to EPA.

Outcomes:

- More complete and accurate information on the stationary source air enforcement and compliance program;

FY2007 grant funding will continue to support state, local, and tribal feasibility studies and requirement analyses that seek to advance the practice of improving and streamlining the states and tribes reporting of data to AFS. Over the past 7 years, OECA has provided close to \$2 million dollars in assistance to states and tribes for projects that seek to facilitate data reporting. Projects approved in the past included feasibility studies to streamline the transmission of MDRs to AFS. Improving and streamlining the states' and tribes' AFS data flow supports the implementation of the CAA enforcement and compliance program, and CAA stationary source reporting. Examples of state and tribal activities to be covered include:

1. Feasibility study/requirement analysis to support states and tribes in considering options and pros/cons of the full utilization of the Universal Interface (UI);

States and tribes currently use a variety of methods for transmitting data from their state system to AFS. The UI is one of the methods that can be utilized to support the streamlined flow of air enforcement and compliance data from a state system to AFS. States and tribes can analyze the capabilities of the UI and evaluate the feasibility of the states using the UI for streamlining and improving their reporting to AFS. A feasibility study/requirements analysis will allow the states or tribes to evaluate the UI's ability to assist them in meeting environmental reporting needs, outline the improvements to the state's system business and data flow process through the use of UI, and determine the resource (time and funding) benefits to the states from their use of UI. Existing users of the UI, if using a previous version of the product, could analyze and evaluate potential additional benefits of upgrading to the current UI version for states and tribes.

2. Technical assistance to support the feasibility study/requirements analysis for improving the state's flow of MDR data and any additional environmental data states and tribes report to AFS.

Regardless of the methods used to report data to AFS, states and tribes are currently required by regulation to report specific data to the Agency. Enforcement actions (including High Priority Violator (HPV) data), compliance status, any MDR, and optional reporting data are currently reported to AFS. Providing the states and tribes the opportunity to perform analyses on improving their state's system data and business flow process to more easily report data to AFS, will support their management of the air enforcement and compliance program; and

3. Training and technical assistance on the UI to support customized reporting from the state/local/tribal agency to AFS.

E. Focus Area: Capacity Building for the National Enforcement and Compliance Priorities

OECA selects multi-year enforcement and compliance program priorities to bring a national focus to environmental problems that meet the following criteria:

Significant environmental benefits

There are significant environmental benefits to be gained, or risks to human health or the environment that could be reduced through focused EPA action directed at specific regulated entities, geographic areas, industrial or governmental sectors, or environmental program areas.

Pattern of Noncompliance

There are identifiable and important patterns of noncompliance among specific regulated entities, industrial or governmental sectors, in geographic areas, or within environmental statutes or programs.

Appropriate EPA Responsibility

There are environmental/human health risks or patterns of noncompliance sufficient in scope and scale such that EPA is best suited to take action or pursue a collaborative approach in which EPA leverages other resources.

After the review of sectors against the criteria, Storm Water, Concentrated Animal Feeding Operations (CAFOs), and Sanitary Sewer Overflows (SSOs) were selected as national priorities. For more information on OECA's national priorities go to <http://www.epa.gov/compliance/data/planning/priorities/index.html>. Discharges from wet weather events related to these sectors are the leading cause of water quality impairment as documented in Clean Water Act (CWA) Section 305(b) reports and represent significant threats to public health and the environment. The discharges come from overflows from combined sewers or sanitary sewers, concentrated animal feeding operations (CAFO) discharges and run off, and storm water run off. The main pollutants in sewer overflows are fecal coliform (raw sewage), bacteria, pathogens, nutrients, untreated industrial wastes, toxic pollutants such as oil and pesticides, and debris washed into the sewer system. Discharges of nitrogen, phosphorous and fecal coliform from CAFO to water bodies can occur through poor maintenance of waste lagoons, improper storage or animal waste, excessive and improper application of manure to crops, and excessive rainfall resulting in spills and leaks of manure management areas. Storm water runoff can carry high levels of pollutants such as sediment, oil and grease, suspended solids, nutrients, heavy metals, pathogens, toxins, and trash into sewer systems and ultimately into streams, rivers, lakes, estuaries, wetland, and oceans.

EPA's other national enforcement and compliance assurance priorities are focused on Air Toxics, Tribes, Mineral Processing, Financial Assurance Requirements, New Source Review (NSR)/Prevention of Significant Deterioration (PSD) in the Air program, and Combined Sewer Overflows (CSO) in the NPDES program. Storm Water, CAFO, SSO, and CSO are collectively referred to as the wet weather priority.

While the states and tribes are not required to participate in OECA's national priorities, a number of them are already performing work in these priority areas. In the National Pollutant Discharge Elimination System (NPDES) program, most states, and one tribe have been delegated the NPDES program and have the responsibility for implementing the Clean Water Act. Because of the water quality issues from discharges from wet weather events in these sectors, building the capacity of the states and tribes to assist, monitor, and take enforcement actions where necessary

will lead to beneficial environmental outcomes. Therefore in FY2007, EPA will make available funds to states and tribes to expand their capacity and expertise in addressing wet weather risks.

This project relates to USEPA Strategic Plan goals and objectives:

- Goal 5.1: Improve Compliance

Specifically, capacity building for the Sanitary Sewer Overflow (SSOs) national priority sector will result in the following outcomes and outputs:

Outputs:

- Increased numbers of training sessions for county and Publicly Owned Treatment Works (POTWs) on SSOs and Capacity, Management, Operation and Maintenance (CMOM) programs
- Increased number of personnel trained on SSOs and CMOM programs
- Increased number of assistance visits to help with basement backups
- Increased number of state/tribal/county basement back up inspections

Outcomes:

- Increased number of SSO facilities that return to compliance
- Increased number of SSO facilities on schedules and using CMOM programs
- Reduced number of health problems (gastroenteritis, etc.) from exposure to sewage

The following outcomes and outputs will result from the capacity building for the Storm Water priority sector.

Outputs:

- Increased number of state environmental professionals trained on the complexities and problems associated with implementing the Municipal Separate Storm Sewer Systems (MS4) compliance and enforcement programs.
- Increased number of states that establish or enhance their implementation of the MS4 compliance monitoring and enforcement program
- Increased number of states that establish an effective compliance monitoring program for facilities that discharge storm water to their MS4 systems.

Outcomes:

- Improved understanding by state personnel of the complexities of the MS4 program to enable them to make decisions regarding observed compliance problems, and implement efficient mechanisms to respond to environmental non-compliance in a timely and appropriate manner
- Improved understanding and coordination between the state and local MS4 programs to ensure compliance with the MS4 requirements and permits
- Improved state agency and local MS4 programs to implement an effective MS4 compliance assurance and enforcement program that encourages businesses and other companies discharging to the MS4 to meet their environmental obligations
- Enhanced ability of states to demonstrate improved water quality by implementing effective MS4 compliance and enforcement programs.

Capacity Building for the CAFO priority sector will result in the following outputs and outcomes:

Outputs:

- Increased number of inspectors trained on using new technology to identify dischargers
- Increased number of inspectors, enforcement case officers and attorneys who have been trained on new technology, targeting techniques and case development practices required due to the *Waterkeepers* decision
- Increased number of states that set up an effective CAFO compliance monitoring program

Outcomes:

- More efficient and effective state and tribal CAFO regulatory programs
- Reduced number of CAFOs discharging without permits during wet weather events
- Improved water quality in states and tribal country
- Increased understanding of new technology used to identify CAFO discharges by inspectors and attorneys

Applicants wishing to address more than one National Enforcement and Compliance Priority area must submit a separate pre-proposal for each Priority they are interested in.

Storm Water:

This funding area is for states to strengthen their ability to address environmental and public health threats from storm water. The Municipal Separate Storm Sewer Systems (MS4) program is a comprehensive two-phased approach to control storm water discharges. The first phase involves discharges associated with industrial activity, discharges from construction sites disturbing 5 or more acres, and discharges from large (serving population over 250,000) and medium (serving population over 100,000) MS4s. The regulations established a two-part permit application for Phase I MS4s and required municipal applicants to develop storm water management programs to effectively reduce the discharge of pollutants to the maximum extent practicable and prohibit non-storm water discharges from entering MS4s. There are about 1000 Phase I MS4s and ~ 280 Phase I MS4 permits. The second phase involves discharges associated with MS4s serving less than 100,000. There are ~ 5000 Phase II MS4s.

FY 2007 grant funding will support state efforts to obtain technical assistance and technical expertise to ensure states develop the capacity to provide assistance to and adequately monitor Phase I and Phase II MS4s. The focus area is designed to build upon and improve state capacity to enable states to operate and maintain a high quality MS4 program using environmental enforcement and compliance assurance activities. This focus area involves conducting technical assistance and training to build state program capacity and developing demonstration projects linked to the MS4 program. States should submit proposals to address one or both of the following activities:

1. Technical assistance, including training, to build capacity to provide compliance assistance to MS4s, and to adequately monitor MS4 compliance, including the capability to conduct MS4 inspections and MS4 audits.
2. Development of MS4 demonstration projects that show how states will build capacity to operate and maintain a high quality MS4 program. Examples include development of field screening methods to locate illicit connections to the MS4, characterization of discharge data from industrial storm water discharges to the MS4, methodologies undertaken to educate the public about the scope and objectives of the MS4 program, review of language currently included in MS4 permits that is clear, comprehensive, and enforceable and can be incorporated into other MS4 permits, and management practices used to control storm water discharges.

Sanitary Sewer Overflows:

This funding area encourages states to strengthen their ability to address the environmental and public health threats posed by raw sewage discharges from sewer system overflows and collection system failures. The focus is on "small" systems (serving populations under 10,000) and "medium" systems (serving populations between 10,000 and 100,000) that experience these overflows and failures. There are an estimated 25,000 to 89,000 sewer overflows each year (from small, medium and large systems). Approximately 200 to 250 of the large and medium systems have been addressed as of 2007. Sewer overflows release raw sewage from sewer lines and man holes. The discharges can go into streams, lakes, city streets and homes, sometimes backing up into basements. Municipalities are generally responsible for sewers and collection systems and any overflows. Sewer overflows are in most cases the result of improper management, operation and maintenance of sewer system infrastructure. Municipalities should have regular maintenance programs and do any necessary reconstruction. Approved NPDES states are the primary regulating agency in most cases. State action to address small and medium systems will further the goals of improving human health and the environment.

States and tribes should submit proposals for one or both of the areas described below:

1. Develop state training programs to support medium and small systems by using Capacity, Management, Operation and Maintenance (CMOM) programs to ensure cities and counties and small and medium system operators understand how to maintain and repair sewer lines, collection systems and treatment systems. The CMOM techniques developed for large systems have helped those systems to make corrections, stop overflows of sewage and protect their investment. States/ tribes could use this CMOM approach to help medium and small systems to prevent overflows. States/ tribes should also develop capacity to track small and medium sewer system progress in adopting CMOM programs with a data base or other method. More information on CMOM programs is available at http://www.epa.gov/npdes/pubs/cmom_guide_for_collection_systems.pdf

2. Develop a model program to help cities and counties address sewer backups in basements caused by sewage overflows. A state may develop materials that can be transferred to other states or tribes on how to handle health problems related to these cases, advise on proper cleaning of contaminated basements, and response to health related problems related to exposure to raw sewage. The protocol could include inspections and actions such as removal of saturated walls, rugs, and furniture to prevent exposure to sewage borne pathogens and non sewage related health threats such as tetanus, toxic fungi and molds.

Concentrated Animal Facility Operations:

Traditionally, NPDES CAFO inspections focused on the discharges from the production area that were observed during the inspection. The 2005 decision of the U.S. Court of Appeals for the Second Circuit in *Waterkeepers vs. EPA* changed the regulatory landscape for concentrated animal feeding operations (CAFOs). NPDES permits are only required by those facilities that discharge or propose to discharge. To help identify discharges from CAFOs, EPA encourages the use of and understanding of recent technological innovations (e.g., remote sensing). Therefore, state and tribal inspectors need to be trained on using new technology to identify discharges. Training state and tribal concentrated animal feeding operations (CAFO) NPDES inspectors, enforcement case officers attorneys will result in better and more effective state CAFO regulatory programs.

The major environmental problem associated with CAFOs is the large volume of animal waste generated in concentrated areas. For example, roughly 700 dairy cows can generate more waste than a city of 10,000 people. EPA's *National Water Quality Inventory: 2000 Report* indicates that the agricultural sector, including confined animal feeding operations, is a major contributor of pollutants in the nation's rivers and streams. EPA's data show that water quality concerns tend to be greatest in regions where crops are intensively cultivated and livestock operations are concentrated. Other problems associated with animal manure include surface water (e.g., lakes, streams, rivers, and reservoirs) and ground water quality degradation, and adverse effects on estuarine water quality and resources in coastal areas. Water quality degradation can contribute to increased risk to aquatic and wildlife ecosystems, including fish kills. Nationwide, EPA's Office of Water estimates that there are approximately 18,700 CAFOs, and approximately 8,100 or 44 percent of these operations currently have NPDES permits. Therefore, it is essential that state and tribal inspectors have the skills necessary to identify discharges from CAFOs.

EPA is soliciting proposals from eligible entities to provide 3-4 day training sessions that enhances state and tribal capacity to enforce Clean Water Act regulations at CAFOs. Training state and tribal concentrated animal feeding operations (CAFO) NPDES inspectors, enforcement case officers, attorneys will result in better and more effective state CAFO regulatory programs. The training should be designed to enhance state and tribal capability to take enforcement cases including when a discharge is not readily observed. EPA is particularly interested in seeing proposals that address the following elements: (*Strong proposals that contain elements other than those listed below will be considered.*)

1. Indicators of a discharge

2. Documenting violations
3. Sampling methodology
4. Use of application rates to determine application at the agronomic rate
5. Using Isotope Analysis to determine CAFO discharges
6. Use of remote sensing tools
7. Using runoff calculations to determine if a discharge has occurred
8. Using GIS to determine flow paths and receiving waters
9. Proving discharges to waters of the U.S.
10. Communicating enforcement results
11. Elements of a good enforcement case
12. Targeting schemes

II. Award Information for the Focus Areas:

The funds available are from OECA's Multi-Media State and Tribal Assistance Grants (STAG) appropriation for both grants and cooperative agreements. The total assistance agreement award to be funded is \$3,100,000 and will be awarded to selected proposals in the range of \$50,000 - \$200,000, although proposals below or above that range will be considered. EPA reserves the right to reject all applications and make no awards under this solicitation. EPA cannot predict that additional funds for these focus areas will be available in future years. Therefore, states and tribes should assume that these funds will be available on a one-time only basis and shall not propose projects requiring additional annual funding. Applicants can apply for an assistance agreement and EPA may determine that the proposal would require designation as a cooperative agreement if substantial federal involvement with the recipient during the performance of an activity or project is required. Substantial federal involvement could include: monitoring by EPA, joint operational involvement, EPA prior review or approval of project phases or collaboration regarding the scope of work. Please go to <http://www.epa.gov/ogd> for more guidance on when substantial involvement may be required and what that involvement might entail.

A. Partial Funding: In appropriate circumstances, EPA reserves the right to partially fund proposals by funding discrete portions or phases of proposed projects. If EPA decides to partially fund a proposal, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the proposal, or portion thereof, was evaluated and selected for award, and therefore maintains the integrity of the competition and selection process.

B. Additional Awards: EPA reserves the right to make additional awards under this announcement consistent with Agency policy, if additional funding becomes available. Any additional selections for awards will be made no later than four months from the date of the original selection.

III. Eligibility Information:

A. Eligibility Information: State agencies, U.S. territories, the District of Columbia, multi-jurisdictional State organizations, and federally recognized tribes with enforcement and

compliance assurance responsibilities or responsibilities that support enforcement and compliance assurance including but not limited to data management or research. In addition, state or tribal universities and colleges with expertise in compliance assurance and enforcement issues, including compliance assistance and training to tribal environmental professionals. Applicants who do not meet this threshold factor will be notified within 15 days. For certain competitive funding opportunities under this CFDA description (66.709), the Agency may limit eligibility to compete to a number or subset of eligible applicants consistent with the Agency's Assistance Agreement Competition Policy.

B. Partnerships: EPA awards funds to one eligible applicant as the “recipient” even if other eligible applicants are named as “partners” or “co-applicants” or members of a “coalition” or “consortium”. The recipient is accountable to EPA for the proper expenditure of funds.

Funding may be used to provide subgrants or subawards of financial assistance to fund partnerships provided the recipient complies with applicable requirements for subawards or subgrants including those contained in 40 CFR Parts 30 or 31, as appropriate. Successful applicants must compete contracts for services and products and conduct cost and price analyses to the extent required by the procurement provisions of these regulations. The regulations also contain limitations on consultant compensation. Applicants are not required to identify contractors or consultants in their proposal. Moreover, the fact that a successful applicant has named a specific contractor or consultant in the proposal EPA approves does not relieve it of its obligations to comply with competitive procurement requirements. Please note that applicants may not award sole source contracts to consulting, engineering or other firms assisting applicants with the proposal based on the firm's role in preparing the proposal.

Successful applicants cannot use subgrants or subawards to avoid requirements in EPA grant regulations for competitive procurement by using these instruments to acquire commercial services or products from for-profit organizations to carry out its assistance agreement. The nature of the transaction between the recipient and the subawardee or subgrantee must be consistent with the standards for distinguishing between vendor transactions and subrecipient assistance under Subpart B Section .210 of OMB Circular A-133, and the definitions of “subaward” at 40 CFR 30.2(ff) or “subgrant” at 40 CFR 31.3, as applicable. EPA will not be a party to these transactions.

C. Cost Sharing Information: While not required, applicants are encouraged to make a commitment of state or tribal resources towards the total project cost. Applicants will be evaluated on their ability to produce leveraging funds. This can be state or tribal personnel salary dedicated to the project, cash contribution to the project budget, or other “in-kind” contributions. The value of donated or “in-kind” services in the performance of a project shall be considered in accordance with OMB Circular A-87, “Cost Principles for State, Local, and Indian Tribal Governments.” Lastly, federal funds cannot generally be used to provide a match or cost-share for other federal projects.

D. Substantial Compliance with Submission requirements: Applications/Proposals must substantially comply with the application/proposal submission instructions and requirements set forth in Section IV of this announcement or else they will be rejected. In addition, where a page

limit is expressed in Section IV with respect to the proposal/application and /or parts of the application /proposal, pages in excess of the page limitation will not be reviewed.

Applications/proposals must be received by the EPA through www.grants.gov on or before the solicitation closing data published in Section IV of this announcement. Applicants who do not meet this threshold factor will be notified within 15 days.

E. Proper focus areas: Applications that do not address one of the focus areas described in Section I of this notice are considered 'ineligible' and will not be considered for funding. Applicants who do not meet this threshold factor will be notified within 15 days. Each application may only cover one focus area. These focus areas are: PCS Modernization, Tribal Compliance Assurance Training, Air Facility System, and each of the following national priority sectors; Storm Water, Sanitary Sewer Overflow or Concentrated Animal Feeding Operations.

F. Timely Applications: OECA will not review or fund any applications that are received electronically after August 23, 2007 (12 midnight Eastern Time) or that are received from ineligible applicants. The applications received after August 23, 2007 may be considered if the delay was a result of acts of nature such as hurricanes. Applicants who do not meet these threshold factors will be notified within 15 days.

IV. Application and Submission Information: Grant application packages must be submitted through www.grants.gov. The due date for submitting the package through www.grants.gov is August 23, 2007. All forms and application preparation and submission instructions are located at the www.grants.gov web site and are included below in sections A and C. Applicants without access to a computer should contact Ginger Gotliffe (202-564-7072) for alternative submission options.

A. Application Materials:

The application package must be made up of three items: SF 424, SF 424-A, and the Proposal Narrative. See Section IV. C. for instructions on preparing the SF 424 and SF 424-A.

1. Submission Format for Proposals:

Proposals must not exceed 14 pages prepared in Microsoft Word or WordPerfect, and follow the format 12 point font, on 8 ½ by 11 inch paper. Proposals shall address the following information:

a. Project Information to be included:

- State or Tribe and Department:
- Title of Project:
- Focus Area: Section I:
- Total Funds Requested from EPA:
- Total Project Cost (including state/tribe cash and in-kind contributions):
- Contact Person: (*name, title, address, phone, fax, & email*)
- Preferred Assistance Agreement: (*Grant or cooperative agreement*)

b. Summary:

- Summary of the problem being addressed;

- Summary of project goal(s);
- Summary of project components;
- Summary of how the project components will address the problem and attain the goals.

c. Summary Work Plan:

- Proposed activities - list and describe activities and how they relate to the proposal criteria;
- Sharing results - how will the results of the project be shared across states or tribes?

d. Project Milestones: OECA is looking to fund projects for 3 years or less. List project milestones with estimated dates, including estimated duration of project.

e. Project Costs:

- Include a detailed itemized budget for all project costs and complete the SF 424A (budget information) -- distinguish the funds requested from any state or tribe contributions (in-kind or other)

f. Addressing the Section V Ranking Criteria:

Ranking criteria for each of the focus areas are presented in Section V below. Applicants must address all ranking criteria for the funding area for which they are applying in their proposal. In addition to the ranking criteria specific to the projects requested, there are several standard criteria that apply to all focus areas. These are past grants reporting, plan for measuring environmental results, and leveraging funds or resources. The plan for measuring environmental results must describe how the project will measure its results and success and how it will address the outputs and outcomes associated with each focus area in Section I of this Notice.

B. Submission Dates and Times

- August 23, 2007 (12 midnight Eastern Time)– Deadline for submitting application packages described in Section IV.A of the announcement to EPA or thru grants.gov.
- September 28, 2007 – Notifications sent to applicants regarding funding recommendations.
- First quarter FY2008 – Completed grant applications, certifications are due to EPA regional office.
- First quarter FY2008 – Reprogram funding to appropriate Regions.
- First quarter FY2008 - Issuance of FY 2007 STAG Program awards.

C. Grants.gov submission: The electronic submission of your proposal package must be made by an official representative of your institution who is registered with grants.gov and authorized to sign applications for federal assistance. For more information, go to <http://www.grants.gov> and click on “Get Started” and then click on “For AORs” (Authorized Organization Representative) on the left side of the page. Note that the registration process may take a week or longer to complete. If your organization is not currently registered with grants.gov, please encourage your office to designate an AOR and ask that individual to begin the registration process as soon as possible.

To begin the application process for this grant program, go to <http://www.grants.gov> and click

on the “Apply for Grants” tab at the top of the page. Then click on “Apply Step 1: Download a Grant Application Package and Application Instructions” to download the PureEdge viewer and obtain the application package and instructions for applying under this announcement using grants.gov (http://apply.grants.gov/forms_apps_idx.html). You may retrieve the application package and instructions by entering the Funding Opportunity Number, EPA-OECA-NPMAS-07-001, or the CFDA number 66.709 in the space provided. Then complete and submit the application package as indicated. You may also be able to access the application package by clicking on the button “How to Apply” at the top right of the synopsis page for this announcement on <http://www.grants.gov> . (To find the synopsis page go to <http://www.grants.gov> and click on “Find Grant Opportunities” button on the top of the page and then go to EPA opportunities.)

Application/proposal materials submitted through www.grants.gov will be time/date stamped electronically.

The following forms and documents are required to be submitted when applying thru <http://www.grants.gov> under this announcement as identified in Section IV. A of this announcement:

- I. Application for Federal Assistance (SF-424)
- II. Budget Information for Non-Construction Programs (SF-424A)
- III. Proposal-prepared as described in Section IV. A of this announcement.

I. Standard Form (SF) 424, Application for Federal Assistance

Complete the form. There are no attachments. Please be sure to include the organization fax number and email address in Block 5 of the Standard Form SF 424.

Please note that the organizational Dun and Bradstreet (D&B) Data Universal Number System (DUNS) number must be included on the SF-424. Organizations may obtain a DUNS number at no cost by calling the toll-free DUNS number request line at 1-866-705-5711.

II. Standard Form SF 424A – Budget Information:

Complete the form. There are no attachments. The total amount of federal funding requested for the project period shall be shown on line 5(e) and on line 6(k) of SF-424A. If indirect costs are included, the amount of indirect costs shall be entered on line 6(j). The indirect cost rate (i.e., a percentage), the base (e.g., personnel costs and fringe benefits), and the amount shall also be indicated on line 22.

III. Proposal-prepared as described in Section IV.A. of this announcement.

Documents I through III listed above should appear in the “Mandatory Documents” box on the Grants.gov Grant Application Package page.

For documents I and II, click on the appropriate form and then click “Open Form” below the box. The fields that must be completed will be highlighted in yellow. Optional fields and completed fields will be displayed in white. If you enter an invalid response or incomplete

information in a field, you will receive an error message. When you have finished filling out each form, click “Save.” When you return to the electronic Grant Application Package page, click on the form you just completed, and then click on the box that says, “Move Form to Submission List.” This action will move the document over to the box that says, “Mandatory Completed Documents for Submission.”

For document III, you will need to attach electronic files. Prepare your narrative proposal as described in Section IV.A of the announcement and save the document to your computer as an MS Word or WordPerfect file. When you are ready to attach your proposal to the application package, click on “Project Narrative Attachment Form,” and open the form. Click “Add Mandatory Project Narrative File,” and then attach your proposal (previously saved to your computer) using the browse window that appears. You may then click “View Mandatory Project Narrative File” to view it. Enter a brief descriptive title of your project in the space beside “Mandatory Project Narrative File Filename;” the filename shall be no more than 40 characters long. If there are other attachments that you would like to submit to accompany your proposal, you may click “Add Optional Project Narrative File” and proceed as before. When you have finished attaching the necessary documents, click “Close Form.” When you return to the “Grant Application Package” page, select the “Project Narrative Attachment Form” and click “Move Form to Submission List.” The form should now appear in the box that says, “Mandatory Completed Documents for Submission.”

Once you have finished filling out all of the forms/attachments and they appear in one of the “Completed Documents for Submission” boxes, click the “Save” button that appears at the top of the Web page. It is suggested that you save the document a second time, using a different name, since this will make it easier to submit an amended package later if necessary. Please use the following format when saving your file: “Applicant Name – FY06 – Assoc Prog Supp – 1st Submission” or “Applicant Name – FY 06 Assoc Prog Supp – Back-up Submission.” If it becomes necessary to submit an amended package at a later date, then the name of the 2nd submission should be changed to “Applicant Name – FY06 Assoc Prog Supp – 2nd Submission.”

Once your application package has been completed and saved, send it to your AOR for submission to U.S. EPA through Grants.gov. Please advise your AOR to close all other software programs before attempting to submit the application package through www.grants.gov

In the “Application Filing Name” box, your AOR shall enter your organization’s name (abbreviate where possible), the fiscal year (e.g., FY07), and the grant category (e.g., Assoc Prog Supp). The filing name shall not exceed 40 characters. From the “Grant Application Package” page, your AOR may submit the application package by clicking the “Submit” button that appears at the top of the page. The AOR will then be asked to verify the agency and funding opportunity number for which the application package is being submitted. If problems are encountered during the submission process, the AOR should reboot his/her computer before trying to submit the application package again. [It may be necessary to turn off the computer (not just restart it) before attempting to submit the package again.] If the AOR continues to experience submission problems, he/she may contact Grants.gov for assistance by phone at 1-800-518-4726 or email at support@grants.gov or contact Ginger Gotliffe at 202-564-7072.

If you have not received a confirmation of receipt from EPA (*not from support@grant.gov*) within 30 days of the application deadline, please contact Ginger Gotliffe. Failure to do so may result in your application not being reviewed.

D. Intergovernmental Review: Not applicable

E. Treatment of Late Proposals/Application

OECA will not review or fund any application packages that are received electronically after August 23, 2007 (12 midnight Eastern Time) or that are received from ineligible applicants.

F. Confidential Business Information Provision

In accordance with 40 CFR 2.203, applicants may claim all or a portion of their application/proposal as confidential business information. EPA will evaluate confidentiality claims in accordance with 40 CFR Part 2. Applicants must clearly mark applications/proposals or portions of applications/proposals they claim as confidential. If no claim of confidentiality is made, EPA is not required to make the inquiry to the applicant otherwise required by 40 CFR 2.204(c)(2) prior to disclosure.

G. Additional Application Submissions at the Time of Selection.

After the grant proposals have been reviewed and the selections have been made, the grantees selected will need to provide the remainder of the grant/cooperative agreement application. Those items can also be submitted or through www.grants.gov. Some of the standard forms may not be applicable to all grantees and will not need to be submitted. Further submission instructions will be provided at that time.

H. Pre-proposal/Application Assistance and Communications

In accordance with EPA's Assistance Agreement Competition Policy (EPA Order 5700.5A1), EPA staff will not meet with individual applicants to discuss draft proposals, provide informal comments on draft proposals, or provide advice to applicants on how to respond to ranking criteria. Applicants are responsible for the contents of their applications/proposals. However, EPA will respond to questions in writing from individual applicants regarding threshold eligibility criteria, administrative issues related to the submission for the proposal, and requests for clarification about the announcement. Applicants may submit those questions to Ginger Gotliffe (gotliffe.ginger@epa.gov) by June 29, 2007 and the answers will be added to the Frequently Asked Questions web page at <http://www.epa.gov/compliance/state/grants/stag/index.html>.

V. Application Review Information

Section V provides information about the evaluation criteria, the additional selection factors as well as the review and selection process. Evaluation ranking criteria for each focus area under this Solicitation are provided in this Section. These criteria highlight the important factors and information that must be provided in the pre-proposal. The reviewers of the proposals will be using these criteria and the corresponding point values during the selection process.

A. Ranking Criteria

1. Evaluation and Ranking Criteria for PCS Modernization and ICIS-NPDES Proposals:

All PCS Modernization proposals will be evaluated and ranked based on the criteria outlined below. The following six criteria and associated points will be used by EPA to evaluate the proposals:

(a) Data Clean up and Migration. [25 points] The proposal must clearly describe the plan and approach for data clean up in PCS, especially how data on minor facilities will be improved. The proposal must clearly describe any quality assurance checks planned for development to ensure the improvement of the quality of the minor data entered into PCS and/or ICIS-NPDES. The proposal must clearly describe data migration and conversion activities planned to be performed to ensure that the data migrated from legacy PCS to ICIS is accurate, complete, and in the correct format. The proposal must clearly describe activities related to the coordination needed between EPA and the states or tribes to ensure the data migration effort is completed. The proposal must clearly describe the plans for tracking and determining the status of the data migration and data clean-up efforts. The proposal must show how this work would enhance the state or tribal ability to manage the NPDES program including, assessing environmental conditions and results.

(b) Requirements Analyses and Pilot Studies. [25 points] The proposal must clearly describe the plan and approach for performing the requirements analysis or pilot study, especially how the effort will support the state's completion of entry of data requirement into ICIS-NPDES. The proposal must clearly describe the state/tribal process for collecting and entering the required data into ICIS. The proposal must clearly describe pilot QA/QC activities planned to ensure that the final analysis of the process and the results of the pilot study is accurate, complete, and in the correct format. The proposal must clearly describe the activities to be performed to ensure that the state/tribal process for the collection and entry/flow of the required ICIS data is reasonable and doable. The proposal must clearly describe activities related to the coordination needed between EPA and the states or tribes. The proposal must clearly describe the plans for tracking and determining the status of the analysis or study. The proposal must show how this work would enhance the state or tribal ability to manage the NPDES program including, assessing environmental conditions and results.

(c) Use of ICIS. [25 points] Proposals must clearly identify the state or tribal activities to be performed that will ensure the states or tribes continue to meet their regulatory NPDES requirements to report to EPA. Activities identified must include how the states and tribes will ensure continued data flow and data entry to ICIS and how the states or tribes will implement business practices to fulfill meeting new data requirements (i.e., wet weather). The proposal must clearly describe the analyses or studies to be conducted to support the state's full use of the modernized system.

(d) Plan for Measuring Environmental Results [15 points] Quality of the plan for tracking and measuring progress toward achieving the expected project outputs and outcomes including those listed in Section I of the announcement. Reviewers will also focus on the degree to which the proposal contains clear measures of success and timeline for the project(s), and

provides a description of the format in which these measurements will be reported.

(e) Past Grant Results Reporting. [5 points] Applicants will be evaluated based on how well they documented and/or reported (e.g., by filing timely progress/final technical reports; or by otherwise demonstrating how they adequately documented and reported) on their progress towards achieving the expected outputs and outcomes (e.g., results) under assistance agreements awarded within the last 5 years and; if they were not making such progress whether the documentation and/or reports satisfactory explained why not. In evaluating applicants under this factor, the Agency will consider the information supplied by the applicant in its proposal, and may also consider relevant information from other sources including Agency files (e.g., Grantee Compliance Database) and prior/current grantors (e.g., to verify and/or supplement the information provided by the applicant.) Applicants with OECA STAG grants history must submit a list of those grants and use them to comply with this section. Applicants without OECA STAG grants history must submit a list of all EPA and other Federal agency assistance agreements that your organization performed within the last five years that were similar in scope and relevance to the proposed project and use those assistance agreements to comply with this section. Applicants without any prior assistance agreement experience must provide a statement of that and will receive a neutral score for this factor.

(f) Leveraging Funds and Resources. [5 points] While not required, applicants will be evaluated on their ability to produce leveraging funds. Under this criteria, applicants will be evaluated based on the extent they demonstrate (i) how they will coordinate the use of EPA funding with other Federal and/or non Federal sources of funds to leverage additional resources to carry out the proposed project(s) and/or (ii) that EPA funding will compliment activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources. Applicants may use their own funds or other resources for a voluntary match or cost share if the standards at 40 CFR 30.23 or 40 CFR 31.24, as applicable, are met. Only eligible and allowable costs may be used for matches or cost shares. Other Federal grants may not be used as matches or cost shares without specific statutory authority (e.g. HUD's Community Development Block Grants).

2. Evaluation and Ranking Criteria for Tribal Environmental Compliance and Enforcement Training:

All tribal training proposals will be evaluated and ranked based on the six criteria outlined below.

(a) Experience in Developing and Delivering Training and Workshops for Tribal Environmental Professionals and Tribal Leaders [35 points]:

- Expertise [10 points]: Evidence of adequate environmental staff already on board or the ability to locate and contract with training or tribal organizations that have staff with clear expertise in: 1) developing new or reviewing and revising existing training/material on compliance assistance, compliance monitoring, and enforcement matters; or 2) developing and running training/workshops on tribal environmental and governmental programs. Adequacy demonstrated by existing or planned environmental knowledge about the proposed activity and the ability to conduct the proposed activity.

- Select the one that corresponds to the project selected from Section I.B.: [15 points]

Inspector Training Project: Evidence that the recipient understands the training standards applicable to tribal and EPA inspectors and inspectors authorized by EPA to conduct inspections on behalf of EPA. Evidence of understanding would include information on how the course content would be consistent with EPA guidelines and how the course content would be consistent with tribal approaches to conducting inspections. See the Guidance for Issuing Federal EPA Inspector Credentials to Authorize Employees of State/Tribal Governments to Conduct Inspections on Behalf of EPA. (Contact: Julie Tankersley at tankersely.julie@epa.gov or Jonathan Binder at binder.jonathan@epa.gov for Guidance) **OR**

General Compliance Assurance Enforcement Workshop: Evidence the recipient understands tribal and EPA roles and responsibilities to ensure compliance in Indian country and other tribal areas, and EPA-approval of tribes and state environmental programs to ensure environmental compliance for facilities located within their jurisdiction. See EPA's regulations on approving state programs and treating tribes in the same manner as states, EPA's Anti-Checkerboarding Policy, EPA Policy for the Administration Of Environmental Programs on Indian Reservations (November, 8, 1984), and the Enforcement Guidance on the 1984 Indian Policy (January 20, 2001). (Contact Jonathan Binder at binder.jonathan@epa.gov for information)

- Tribal Experience and Relationships. [10 points] Evidence that the grantee has experience training tribal leaders and tribal environmental professionals in a culturally sensitive manner, including the ability to recruit tribal and non-tribal course instructors, to support improved tribal compliance assurance and enforcement programs and the EPA Policy for the Administration of Environmental Programs on Indian Reservations, Enforcement Guidance on the 1984 Indian Policy, and the EPA Working Effectively with Tribal Governments Training. Evidence in the ability to develop and maintain meaningful relationships and acceptance by tribal governments and tribal members and collaboration with EPA.

(b) Project Description and Organizational Capability [20 Points]

Extent to which the proposal effectively addresses and demonstrates:

- Knowledge and experience related to compliance assistance, compliance monitoring, and enforcement in Indian country both under federal and tribal environmental laws and regulations, including how tribes and EPA conduct inspections in Indian country, provide compliance assistance, conduct enforcement activity
- Knowledge and experience related to environmental challenges and conditions in Indian country that can be addressed through compliance assistance, compliance monitoring, or enforcement.
- Significant knowledge of, and experience with, the federally-recognized Indian tribes that the applicant would be working with. For any proposals dealing with tribes located in Alaska, knowledge of the following Alaska Native Corporations, Alaska Native Villages, the Alaska Native Claims Settlement Act, EPA-approval of state of Alaska environmental programs, and Alaska v. Native Village of Venetie Tribal Government, 522 U.S. 520

(1998).

- Significant knowledge of, and experience with, federally-recognized Indian tribes, tribal sovereignty, including the interplay between Federal environmental laws, Federal Indian law, and tribal environmental laws in the compliance assistance, compliance monitoring, and enforcement context. (e.g., the Federal Trust Relationship, Montana v. United States, 450US 544(1981), the EPA Policy for the Administration of Environmental Programs on Indian Reservations, and OECA's National Tribal Compliance Assurance Priority (<http://www.epa.gov/compliance/data/planning/priorities/tribal.html>)).
- Knowledge and experience in managing similar training programs or workshops and how administration of the proposed project will further the recipient's mission.
- Experience developing and delivering training courses or workshops in lecture and interactive formats or developing and delivering workshops that are accessible to tribal environmental professionals.
- The budget and work plan time frame is clearly stated, detailed, and appropriate to achieve the project's objectives.

(c) Plan for Measuring Environmental Results [15 Points]

- Quality of the plan for tracking and measuring progress toward achieving the expected project outputs and outcomes including those listed in Section I of the announcement. Reviewers will also focus on the degree to which the proposal contains clear measures of success and timeline for the project(s), and provides a description of the format in which these measurements will be reported.
- An effective method to identify pre-training/workshop knowledge about the information to be conveyed and post-test understanding of the information conveyed.
- An effective method for tracking the number of tribal environmental professionals and tribal leaders trained or attending the workshop(s).
- An effective method of tracking the post-training/workshop activities of attendees, and changes in the number and methods of tribes carrying out compliance assurance and enforcement activities in Indian country

(d) Location, Marketing, and Reach [20 Points] Applicant's ability to provide training or hold workshops for tribal environmental professionals and tribal leaders in locations that will allow multiple tribes to participate and yet be in or near Indian country where possible. Proximity is important to successful performance under this grant because close contact and demonstration of accessibility indicates an ability to ensure participation of a diverse pool of tribal environmental professionals from multiple tribes and impacts travel costs associated with travel to/from the training.

- Applicant's choice of location for training and workshops and number of tribes that will be addressed through that training or workshops. Locations will be evaluated by number of tribes/attendees that will be addressed at that location versus the cost of travel to that location. Proposals addressing Alaska may stand alone.
- Applicant's ability to ensure that tribes located within the geographic region chosen by the applicant to address, obtain information about the training activities (dates, costs, potential training needs) and have the ability to attend the training.

(e) Leveraging Funds and Resources: [5 points]

While not required, applicants will be evaluated on their ability to produce leveraging funds. Under this criteria, applicants will be evaluated based on the extent they demonstrate (i) how they will coordinate the use of EPA funding with other Federal and/or non Federal sources of funds to leverage additional resources to carry out the proposed project(s) and/or (ii) that EPA funding will compliment activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources. Applicants may use their own funds or other resources for a voluntary match or cost share if the standards at 40 CFR 30.23 or 40 CFR 31.24, as applicable, are met. Only eligible and allowable costs may be used for matches or cost shares. Other Federal grants may not be used as matches or cost shares without specific statutory authority (e.g. HUD's Community Development Block Grants).

(f) Past Grant Results Reporting [5 Points]

Applicants will be evaluated based on how well they documented and/or reported (e.g., by filing timely progress/final technical reports; or by otherwise demonstrating how they adequately documented and reported) on their progress towards achieving the expected outputs and outcomes (e.g., results) under assistance agreements awarded within the last 5 years and; if they were not making such progress whether the documentation and/or reports satisfactory explained why not. In evaluating applicants under this factor, the Agency will consider the information supplied by the applicant in its proposal, and may also consider relevant information from other sources including Agency files (e.g., Grantee Compliance Database) and prior/current grantors (e.g., to verify and/or supplement the information provided by the applicant.) Applicants with OECA STAG grants history must submit a list of those grants and use them to comply with this section. Applicants without OECA STAG grants history must submit a list of all EPA and other Federal agency assistance agreements that your organization performed within the last five years that were similar in scope and relevance to the proposed project and use those assistance agreements to comply with this section. Applicants without any prior assistance agreement experience must provide a statement of that and will receive a neutral score for this factor.

3. Evaluation and Ranking Criteria for Air Facility System Proposals:

All AFS proposals will be evaluated and ranked based on the six criteria outlined below:

(a) Existing Use of AFS. [20 points] The proposal must clearly describe the existing use of the AFS system (e.g., support management of the Clean Air Act (CAA) compliance and enforcement program and how data is currently being entered into AFS. The proposal must describe how the agency is reporting all Minimum Data Requirements (MDRs) and any existing process for ensuring the accuracy and completeness of data entry requirements;

(b) Project Plan and Approach. [35 points] The proposal must describe the project plan and approach by indicating which focus area is applied for: Study of the Study/Analysis of the Universal Interface, Technical Assistance for the Improvement of AFS Data Flow, or UI Training and Technical Assistance. The proposal must include a Summary Plan for the project indicating the resources used for each project phase, federal interaction required, and an estimated length of time for the project.

(c) Burden Reduction and Cost Savings. [20 points] The proposal must describe estimated burden reductions and cost savings to the agency through development and use of the proposed project.

(d) Plan for Measuring Environmental Results. [15 points] Quality of the plan for tracking and measuring progress toward achieving the expected project outputs and outcomes including those listed in Section I of the announcement. Reviewers will also focus on the degree to which the proposal contains clear measures of success and timeline for the project(s), and provides a description of the format in which these measurements will be reported. The proposal must also explain how completion of the proposed project is expected to improve the quality (e.g. timeliness, accuracy, completeness) of the data, the expected benefits to the management of the air enforcement and compliance program from improved data, and how these improvements and benefits will be measured.

(e) Past Grant Results Reporting. [5 points] Applicants will be evaluated based on how well they documented and/or reported (e.g., by filing timely progress/final technical reports; or by otherwise demonstrating how they adequately documented and reported) on their progress towards achieving the expected outputs and outcomes (e.g., results) under assistance agreements awarded within the last 5 years and; if they were not making such progress whether the documentation and/or reports satisfactory explained why not. In evaluating applicants under this factor, the Agency will consider the information supplied by the applicant in its proposal, and may also consider relevant information from other sources including Agency files (e.g., Grantee Compliance Database) and prior/current grantors (e.g., to verify and/or supplement the information provided by the applicant.) Applicants with OECA STAG grants history must submit a list of those grants and use them to comply with this section. Applicants without OECA STAG grants history must submit a list of all EPA and other Federal agency assistance agreements that your organization performed within the last five years that were similar in scope and relevance to the proposed project and use those assistance agreements to comply with this section. Applicants without any prior assistance agreement experience must provide a statement of that and will receive a neutral score for this factor.

(f) Leveraging Funds and Resources. [5 points] While not required, applicants will be evaluated on their ability to produce leveraging funds. Under this criteria, applicants will be evaluated based on the extent they demonstrate (i) how they will coordinate the use of EPA funding with other Federal and/or non Federal sources of funds to leverage additional resources to carry out the proposed project(s) and/or (ii) that EPA funding will compliment activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources. Applicants may use their own funds or other resources for a voluntary match or cost share if the standards at 40 CFR 30.23 or 40 CFR 31.24, as applicable, are met. Only eligible and allowable costs may be used for matches or cost shares. Other Federal grants may not be used as matches or cost shares without specific statutory authority (e.g. HUD's Community Development Block Grants)

4. Evaluation and Ranking Criteria for National Priority sector Proposals:

Applicants must address the evaluation and ranking criteria corresponding to the priority sector

selected.

i. Evaluation and Ranking Criteria for Storm Water Sector : All MS4 proposals will be evaluated and ranked based on the seven criteria outlined below.

(a) Project Description and Organizational Capability [15 points]

Extent to which proposal effectively addresses and demonstrates:

- Significant knowledge and experience with MS4 programs
- Knowledge and experience in databases or other sources that contain information regarding MS4 programs
- Specific gaps or obstacles that exist in implementing a statewide program to evaluate MS4 programs

(b) Capability for Developing Inventories of the State MS4 Program [20 points]

Extent to which proposal demonstrates applicant's expertise and experience with:

- Knowledge and experience related to information sources regarding the location, number, type, and permit status of all MS4s located in the state
- Knowledge and experience related to information regarding whether MS4s: a) discharge storm water to CWA 303(d) or 305(b) listed waters for pollutants contributing to the listing, b) have known potential to impact drinking water supplies (discharge points or outfalls within 2 miles of drinking water intakes), c) are located in Environmental Justice areas, or d) have facilities that are prone to discharging contaminated storm water (e.g., construction sites). Demonstrated by providing a statement in the proposal that the inventory has been developed and is available upon request, or the inventory is submitted as part of the proposal.
- Knowledge and experience regarding the status of the existing state MS4 program (e.g., support management of the NPDES program); type and frequency of assistance currently provided to MS4s; types and frequency of compliance monitoring currently conducted on the MS4 universe; and how data is collected and captured either manually or using a state or national database. Adequacy demonstrated by the description of the existing MS4 program, its ability to conduct the proposed grant activities, and information on how assistance will be provided to MS4s (e.g., on-site visits, meetings, and training), and to monitor compliance.

(c) Capability for Monitoring MS4 Compliance [20 points]

Extent to which proposal demonstrates applicant's expertise and experience with:

- Knowledge and experience related to the methods used to conduct MS4 audits and inspections
- Knowledge of the costs including travel, equipment, etc. needed to conduct MS4 audits and inspections
- Knowledge relating to the delivery of training to local programs on how to conduct MS4 inspections and audits

(d) Demonstration projects [20 points]

Extent to which proposal demonstrates applicant's expertise and experience:

- To build capacity to operate and maintain a high quality MS4 program.

- To develop field screening methods to locate illicit connections to the MS4
- To characterize discharge data from industrial storm water discharges to MS4s,
- To determine methodologies undertaken to educate the public about the scope and objectives of the MS4 program,
- To review language currently included in MS4 permits to determine if it is clear, comprehensive, and enforceable for use on other MS4 permits,
- To identify management practices used to control storm water discharges.
- Status of the existing state MS4 program (e.g., support management of the NPDES program); type and frequency of assistance currently provided to MS4s; types and frequency of compliance monitoring currently conducted on the MS4 universe; and how data is collected and captured either manually or using a state or national database. Adequacy demonstrated by the description of the existing MS4 program, its ability to conduct the proposed grant activities, and information on how assistance will be provided to MS4s (e.g., on-site visits, meetings, and training), and to monitor compliance.

(e) Plan for Measuring Environmental Results [15 points]

Extent to which the proposal demonstrates applicant's expertise and experience with:

- Quality of the plan for tracking and measuring progress toward achieving the expected project outputs and outcomes including those listed in Section I of the announcement. Reviewers will also focus on the degree to which the proposal contains clear measures of success and timeline for the project(s), and provides a description of the format in which these measurements will be reported.
- An effective method to measure activities, including how information will be collected and analyzed, and how results will be shared with other states and municipalities.
- How the plan clearly identifies how the activities will measure improvements in state efforts to build MS4 compliance assistance and compliance monitoring capabilities.

(f) Past Grant Results Reporting [5 points]

Applicants will be evaluated based on how well they documented and/or reported (e.g., by filing timely progress/final technical reports; or by otherwise demonstrating how they adequately documented and reported) on their progress towards achieving the expected outputs and outcomes (e.g., results) under assistance agreements awarded within the last 5 years and; if they were not making such progress whether the documentation and/or reports satisfactory explained why not. In evaluating applicants under this factor, the Agency will consider the information supplied by the applicant in its proposal, and may also consider relevant information from other sources including Agency files (e.g., Grantee Compliance Database) and prior/current grantors (e.g., to verify and/or supplement the information provided by the applicant.) Applicants with OECA STAG grants history must submit a list of those grants and use them to comply with this section. Applicants without OECA STAG grants history must submit a list of all EPA and other Federal agency assistance agreements that your organization performed within the last five years that were similar in scope and relevance to the proposed project and use those assistance agreements to comply with this section. Applicants without any prior assistance agreement experience must provide a statement of that and will receive a neutral score for this factor.

g) Leveraging Funds and Resources: [5 points]

While not required, applicants will be evaluated on their ability to produce leveraging funds.

Under this criteria, applicants will be evaluated based on the extent they demonstrate (i) how they will coordinate the use of EPA funding with other Federal and/or non Federal sources of funds to leverage additional resources to carry out the proposed project(s) and/or (ii) that EPA funding will compliment activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources. Applicants may use their own funds or other resources for a voluntary match or cost share if the standards at 40 CFR 30.23 or 40 CFR 31.24, as applicable, are met. Only eligible and allowable costs may be used for matches or cost shares. Other Federal grants may not be used as matches or cost shares without specific statutory authority (e.g. HUD's Community Development Block Grants).

ii) Evaluation and Ranking Criteria for Sanitary Sewer Overflows: All sewer overflow proposals will be evaluation and ranked based on the five criteria outlined below.

(a) Project Description and Organizational Capability [25 points]

Extent to which proposal effectively addresses and demonstrates:

- Significant knowledge and experience with sewer system and collection system programs
- Knowledge and experience in databases or other sources that contain information regarding sewer systems programs
- Specific gaps or obstacles that exist in implementing a statewide program to evaluate sewer system overflow programs

(b) Capability for Developing State Training Programs and Inventories and/or Developing a Model Program for the State Sewer System Overflow Program [50 points]

Extent to which proposal demonstrates applicant's expertise and experience with:

- Knowledge and experience related to information sources regarding the location, number, type, and permit status of all small and medium systems located in the state
- Knowledge and experience related to information regarding whether SSOs: a) discharge storm water to CWA 303(d) or 305(b) listed waters for pollutants contributing to the listing, b) have known potential to impact drinking water supplies (discharge points or outfalls within 2 miles of drinking water intakes), or (c) have facilities prone to discharging sewage to city streets, streams, lakes or private homes. Demonstrated by providing a statement in the proposal that the inventory has been developed and is available upon request, or the inventory is submitted as part of the proposal.
- Knowledge and experience regarding the status of the existing state Capacity, Management, Operation and Maintenance (CMOM) programs; type and frequency of assistance currently provided to cities and counties; types and frequency of compliance monitoring currently conducted on the SSO universe; and how data is collected and captured either manually or using a state or national database. Adequacy demonstrated by the description of the existing SSO program, its ability to conduct the proposed grant activities, and information on how assistance will be provided to SSOs (e.g., on-site visits, meetings, and training), and to monitor compliance.

- Knowledge relating to the delivery of training to local programs on how to conduct SSOs inspections and audits
- Development of materials including a protocol for the response to sewage overflows in basements and plans for the State to transfer materials developed to other states for their use in helping cities and counties address sewer backups in basements caused by sewage overflows.
- The proposal must clearly describe the existing sewer overflow response program if any exists, gaps and the capacity that will be built with the grant such as new compliance monitoring programs, collection of new data and type of data base to be used.
- Demonstrate how the results of the proposal will be shared with the municipalities, other states and the public. How will the successful techniques be promoted to other states and serve as a model for other states to copy or modify for their own capacity building efforts to address sewer overflows?

(c) Plan for Measuring Environmental Results [15 points]

Extent to which the proposal demonstrates applicant's expertise and experience with:

- Quality of the plan for tracking and measuring progress toward achieving the expected project outputs and outcomes including those listed in Section I of the announcement. Reviewers will also focus on the degree to which the proposal contains clear measures of success and timeline for the project(s), and provides a description of the format in which these measurements will be reported.
- An effective method to measure activities, including how information will be collected and analyzed, and how results will be shared with other states and municipalities.
- How the plan clearly identifies how the activities will measure improvements in state efforts to build SSO compliance assistance and compliance monitoring capabilities.
- Applicant must demonstrate the ability to monitor grant activities, expenditures and how progress will be measured and reported. The state must measure and report milestones, outputs and outcomes. Demonstrate the measures and data that can show results.

(d) Past Grant Results Reporting [5 points]

Applicants will be evaluated based on how well they documented and/or reported (e.g., by filing timely progress/final technical reports; or by otherwise demonstrating how they adequately documented and reported) on their progress towards achieving the expected outputs and outcomes (e.g., results) under assistance agreements awarded within the last 5 years and; if they were not making such progress whether the documentation and/or reports satisfactory explained why not. In evaluating applicants under this factor, the Agency will consider the information supplied by the applicant in its proposal, and may also consider relevant information from other sources including Agency files (e.g., Grantee Compliance Database) and prior/current grantors (e.g., to verify and/or supplement the information provided by the applicant.) Applicants with OECA STAG grants history must submit a list of those grants and use them to comply with this section. Applicants without OECA STAG grants history must submit a list of all EPA and other Federal agency assistance agreements that your organization performed within the last five years

that were similar in scope and relevance to the proposed project and use those assistance agreements to comply with this section. Applicants without any prior assistance agreement experience must provide a statement of that and will receive a neutral score for this factor.

(e) Leveraging Funds and Resources [5 points]

While not required, applicants will be evaluated on their ability to produce leveraging funds. Under this criteria, applicants will be evaluated based on the extent they demonstrate (i) how they will coordinate the use of EPA funding with other Federal and/or non Federal sources of funds to leverage additional resources to carry out the proposed project(s) and/or (ii) that EPA funding will compliment activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources. Applicants may use their own funds or other resources for a voluntary match or cost share if the standards at 40 CFR 30.23 or 40 CFR 31.24, as applicable, are met. Only eligible and allowable costs may be used for matches or cost shares. Other Federal grants may not be used as matches or cost shares without specific statutory authority (e.g. HUD's Community Development Block Grants).

iii) Evaluation and Ranking Criteria for CAFOs: All CAFO proposals will be evaluation and ranked based on the six criteria outlined below.

(a) Project Description: [25 points]

Extent to which the proposal advances the understanding and application of new procedures, techniques, technologies and common concepts of the CAFO compliance monitoring program.

Consideration under this criterion will focus on:

- Significance—Applicants proposal must demonstrate knowledge of the significant advances and use in technology in identifying discharges on a CAFO.
- Approach—Applicants must demonstrate well-planned and documented strategy for training state and tribal inspectors, case officers, and attorneys on compliance monitoring and enforcement of the CAFO program.
- Innovation—Applicant’s proposal must discuss new approaches, explore new techniques and technology to document discharges that will be presented at the training that could solve current enforcement problems in novel way.
- Environment—Applicants proposal must employ collaborative learning between the participants and EPA.
- Applicant provides plan and description of training/workshop to be held on CAFO compliance and enforcement methodology.

(b) Experience: [25 points]

- Extent to which the proposal demonstrates applicant’s expertise and experience:
- Extent to which the proposal demonstrates applicant’s expertise and experience in managing similar programs; and, how administration of the proposed project will further the recipient’s mission. Experience developing and delivering training courses in both lecture and interactive formats or developing and delivering workshops accessible to state and tribal environmental professionals.
- Extent to which the experience of key personnel, described in detail, is related to the project proposed and demonstrates a level of expertise or proficiency. EPA will review

biographical sketches to determine if staff experience is commensurate with activities proposed. Applicants must designate a primary contact that will be responsible for the implementation of the cooperative agreement and serve as a liaison with EPA staff.

- Evidence of adequate staff or ability to contract out for training staff with expertise in planning, coordinating, advertising, and holding workshops for compliance monitoring and enforcement personnel from state, multi-state organizations, and tribes.
- Evidence of knowledge with the environmental effects of CAFO's discharges from production areas, discharge indicators, application rates, Isotope Analysis, remote sensing tools, runoff calculations, and use of GIS. Evidence of knowledge of the 2005 Waterkeepers decision and the effects on CAFO applications for NPDES permits.

(c) Location and Marketing: [25 points]

Applicant's ability to provide training to state and tribal environmental professionals in a location where hands-on field experience is possible. Proximity is important to successful performance under this grant because close contact and demonstration of accessibility indicates an ability to ensure that attendees understand how to use the techniques and technology discussed so they may then train others within their state or tribe. Provide information on potential locations.

- Applicant's ability to ensure that states and tribes located throughout the United States, including those in Alaska, obtain information about the training activities (dates, costs, potential training needs) and have the ability to attend the training. Demonstrated by past practice and implementation plan outlined in grant submission proposal.
- Extent to which the proposal effectively addresses and demonstrates:

(d) Plan for Measuring Environmental Results [15points]

- Quality of the plan for tracking and measuring progress toward achieving the expected project outputs and outcomes including those listed in Section I of the announcement. Reviewers will also focus on the degree to which the proposal contains clear measures of success and timeline for the project(s), and provides a description of the format in which these measurements will be reported
- An effective method to identify pre-training knowledge about the information to be conveyed and post-test understanding of the information conveyed.
- An effective method for tracking the number of state personnel trained or attending the workshop.

(e) Past Grant Results Reporting [5 points] Applicants will be evaluated based on how well they documented and/or reported (e.g., by filing timely progress/final technical reports; or by otherwise demonstrating how they adequately documented and reported) on their progress towards achieving the expected outputs and outcomes (e.g., results) under assistance agreements awarded within the last 5 years and; if they were not making such progress whether the documentation and/or reports satisfactory explained why not. In evaluating applicants under this factor, the Agency will consider the information supplied by the applicant in its proposal, and may also consider relevant information from other sources including Agency files (e.g., Grantee Compliance Database) and prior/current grantors (e.g., to verify and/or supplement the information provided by the applicant.) Applicants with OECA STAG grants history must submit a list of those grants and use them to comply with this section. Applicants without

OECA STAG grants history must submit a list of all EPA and other Federal agency assistance agreements that your organization performed within the last five years that were similar in scope and relevance to the proposed project and use those assistance agreements to comply with this section. Applicants without any prior assistance agreement experience must provide a statement of that and will receive a neutral score for this factor.

(f) Leveraging Funds and Resources [5 points] While not required, applicants will be evaluated on their ability to produce leveraging funds. Under this criteria, applicants will be evaluated based on the extent they demonstrate (i) how they will coordinate the use of EPA funding with other Federal and/or non Federal sources of funds to leverage additional resources to carry out the proposed project(s) and/or (ii) that EPA funding will compliment activities relevant to the proposed project(s) carried out by the applicant with other sources of funds or resources. Applicants may use their own funds or other resources for a voluntary match or cost share if the standards at 40 CFR 30.23 or 40 CFR 31.24, as applicable, are met. Only eligible and allowable costs may be used for matches or cost shares. Other Federal grants may not be used as matches or cost shares without specific statutory authority (e.g. HUD's Community Development Block Grants).

B. Additional Selection Factors The Agency may consider the need to provide funding to high ranking applicants who have not previously received funding within a similar focus area from previous STAG grant solicitations.

C. Review and Selection Process - All applications are initially reviewed for meeting the threshold requirements using the eligibility criteria (Section III) after which regional reviewers will conduct an initial relevancy review. Applications that successfully pass those reviews will then be evaluated on the evaluation criteria (Section V.A and B) by program experts familiar with the project funding areas. In general, program experts are composed of EPA Headquarters and Regional program analysts, environmental protection specialists, and computer analysts who are experts in their respective areas and proficient in the technical subjects they are reviewing. Each reviewer assigns a numeric score to each ranking criteria area. These program experts will then convene as a consensus panel to finalize their evaluation and scoring and prepare a list of recommended projects based on the ranking of the final scores. These recommendations will be submitted to the Approving Official. The Approving Official will have the final authority to make the selection. The review process is designed to evaluate each application for the potential grantees' ability to demonstrate how they will fulfill the requirements in each criteria category. The applicant must explain how they will fulfill the requirements by including timetables, schedules, interim products, and planned activities. The review process also is designed to evaluate each applicant on their knowledge, experience, and familiarity with the program funding area to assure that projects are completed successfully and in a timely manner.

VI. Award Administration Information

A. Award Notices

Notices will be made by September 28, 2007. The applicant will then need to complete the full application through www.grants.gov.

B. Reporting

Awarded recipients will be required to submit semi-annual and final progress reports to their

project officer and to Ginger Gotliffe, at gotliffe.ginger@epa.gov or (202) 564-7072. Information topics to be covered will be e-mailed to all recipients. Recipients will also be required to complete annual financial status reports. All reports must be prepared in either Word or WordPerfect formats and delivered electronically to the appropriate project officer.

C. Dispute Resolution Provision

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 FR (Federal Register) 3629, 3630 (January 26, 2005) which can be found at:

<http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-1371.htm>

VII. Agency Contacts: Questions about this solicitation notice or the grant program in general may be addressed to Ginger Gotliffe, at gotliffe.ginger@epa.gov or (202) 564-7072.

VIII – Other Information

EPA, states, territories, and tribes are working together to develop the National Environmental Information Exchange Network, a secure, Internet- and standards-based way to support electronic data reporting, sharing, and integration of both regulatory and non-regulatory environmental data. States, tribes and territories exchanging data with each other or with EPA, should make the Exchange Network and the Agency's connection to it, the Central Data Exchange (CDX), the standard way they exchange data and should phase out any legacy methods they have been using. More information on the Exchange Network is available at www.exchangenetwork.net.