

REGION 3 TRIBAL AIR FUNDING ANNOUNCEMENT- REQUEST FOR PROPOSALS

DATE: June 30, 2020

TO: All federally recognized tribal governments located within Region 3 in the Commonwealth of Virginia

FROM: U.S. Environmental Protection Agency (EPA)
Region 3, Air and Radiation Division

SUBJECT:

Funding Announcement guidance for available Fiscal Year 2020 (FY20) tribal funding under Section 103 and 105 of the Clean Air Act, 42 USC, §7403 and §7405, respectively.

Catalog of Federal Domestic Assistance (CFDA) Number 66.038 – training, investigations, and special purpose activities of federally-recognized Indian Tribes consistent with the Clean Air Act (CAA), tribal sovereignty, and the protection and management of air quality; and CFDA Number 66.001 – Air Pollution Control Program Support

SUMMARY:

The U.S. Environmental Protection Agency is accepting proposals from federally recognized tribal governments located within Region 3 including Delaware, District of Columbia, Maryland, Pennsylvania, Virginia and West Virginia. The CAA Amendments of 1990 established a funding mechanism to assist tribes in addressing air pollution and prevention activities within their Bureau of Indian Affairs (BIA) approved jurisdictional boundaries.

Section 103 of the CAA authorizes assistance to state, local, interstate or inter-municipal air pollution control agencies (as defined in section 302(b) of the Act) for limited duration projects (no more than seven years), to conduct "research, investigations, experiments, demonstrations, surveys and studies relating to the causes, effects (including health and welfare effects), extent prevention, and control of air pollution." There is no match requirement for CAA §103 grants and these grants are not eligible for inclusion in a PPG according to 40 C.F.R. Part 35.501. Reference the Catalog of Federal Domestic Assistance 66.038 for further guidance on this grant authority.

Examples of activities eligible for funding under the CAA §103 include but are not limited to:

1. Conducting an ambient air quality assessment or emissions inventory;
2. Monitoring ambient air quality and performing baseline studies;
3. Conducting community education and outreach activities on air pollution issues;
4. Participating in local, regional and national air quality initiatives;
5. Creating a tribal air ordinance; and
6. Establishing a permitting program, etc.

Please note that Section 103 does not provide authority to award grants for “implementing” air pollution control programs. The Office of General Counsel (OGC) has interpreted the demonstration grant authority to involve only new or experimental technologies, methods, or approaches, where the results of the project will be disseminated so that others can benefit from the knowledge gained in the demonstration project.

Section 105 of the CAA provides authority to award grants to air pollution control agencies for developing and implementing programs for the prevention and control of air pollution or the implementation of national primary and secondary ambient air quality standards. The CAA defines “air pollution control agency” to include an agency of a federally-recognized Indian tribe. See CAA § 302(b)(5). Further, “implementing” means any activity related to the planning, developing, establishing, carrying-out, improving or maintaining of such programs. Please see CAA § 105(a)(1)(A).

The applicant approved for awards under Section 105 are required to provide a minimum 40% match unless approved for treatment in the same manner as a state (TAS), in which case a reduced match of 5% is required for the first two years of funding. *If funding continues after two years, then the required match is raised to 10%.* The match can be made with tribal funds or in-kind goods and services. The required match may be waived (0%) if a tribe or tribal land successfully demonstrates financial hardship [40 CFR 35.575(a)]. Tribes with CAA §105 grants in a Performance Partnership Grant qualify for a reduced match of 5% to 10%. Reference the Catalog of Federal Domestic Assistance 66.001 for further guidance on this grant authority. Associated program regulations are found in 40 C.F.R. parts 35, 50, 51, 52, 58, 60, 61, 62 and 81.

Examples of activities eligible for funding under the CAA Section 105 include but are not limited to:

1. Implementing programs for the prevention and control of air pollution (note that the term “implementing” means any activity related to the planning, developing, establishing, carrying-out, improving, or maintaining of such programs) and
2. Implementing programs for the national primary and secondary ambient air quality standards.

Examples of activities not eligible for funding under either Section 103 or Section 105 include:

1. Activities not related to air pollution, its prevention and control;
2. Remediation activities related to indoor air quality problems; and
3. Data collection without an EPA-approved Quality Assurance Project Plan.

In addition, assistance awarded under the authorities described in this funding announcement may not be used to fund the purchase or construction of real property, or mediation activities, or personnel that are not actively involved in implementing said air quality project or its program elements. EPA will not fund activities through this announcement that are funded through other announcements and programs. Examples include, but are not limited to, radon, radiation, mitigation activities and clean diesel retrofit projects.

IMPORTANT: Applicants who receive an assistance agreement under this funding opportunity may not use funds from other Federal assistance agreements/programs to fund the same activities proposed under this Funding Announcement notice.

Proposals should indicate if funding for any activities proposed is also being sought under other EPA grant programs (GAP, water, etc.). For example, air quality related activities funded with General Assistance Program (GAP) or water program funds cannot be again funded with Air Program funds. If similar activities appear in both the Tribe's GAP, Air or any other EPA funded work plans, please specify how these activities differ from each other to avoid duplication of effort concerns

The CAA §103 and §105 grants are non-competitive grant programs and are exempt from the EPA Grants Competition Policy (the EPA Order 5700.5A1).

FUNDING/AWARDS:

The total funding estimated to be available for Region 3 Tribal project and program grants with FY 2020 funds is \$15,000-\$77,000 per cooperative agreement. Proposals approved for funding under Section 103 of the CAA can be 100% federally funded and no cost share/match is required.

The number of cooperative agreements Region 3 will fund as a result of this announcement will be based on air and tribal program priorities, the quality of the project and/or program proposals, cost and project reasonableness and feasibility, environmental conditions, extent of air quality issues, and the tribe's capacity to implement the project and linkage to EPA's Strategic Plan.

This announcement is subject to availability of funds. EPA reserves the right to partially fund submissions by funding discrete activities, portions, or phases of the proposed project or program. EPA reserves the right to make additional awards under this announcement, consistent with Agency policy, if additional funding becomes available after original selections. Additionally, EPA reserves the right to reject all proposals and make no awards in response to this announcement.

DATES:

Announcement date:	June 30, 2020
Initial proposals due:	August 30, 2020
Notification to Tribes of selection:	September 15, 2020
Final applications due through grants.gov:	October 15, 2020
Project Period start date:	January 1, 2021

Proposals must be received by 11:59PM, Eastern Standard Time on August 30, 2020.

EPA STRATEGIC PLAN LINKAGE AND ANTICIPATED OUTPUTS/OUTCOMES:

Linkage to EPA Strategic Plan: The proposed activities must be linked to and fit within the scope of the EPA's Strategic Plan's goals and objectives. Additional information regarding the

EPA's Strategic Plan's goals and objectives can be found at:

<https://www.epa.gov/planandbudget/strategicplan>.

Environmental Results: In keeping with the mission of protecting human health and the environment, EPA awards numerous assistance agreements in support of these goals. Applicants must discuss anticipated environmental outputs and outcomes in proposed work plan objectives and performance measures.

Expected environmental **outputs** (or deliverables) refer to an environmental activity, effort, and/or associated work products related to an environmental goal or objectives, that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period. Examples of environmental outputs include, an air quality management plan, an emissions inventory, air monitoring data, progress reports submitted on a quarterly basis, or a specific number of permits the tribe or tribal land intends to review.

Expected environmental **outcomes** mean the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, must be quantitative, and may not necessarily be achievable within an assistance agreement funding period. Examples of outcomes may include but are not limited to, "significant number of community members with increased awareness of air quality issues," and/or "increased number of tribal residents breathing cleaner air."

PROPOSAL SUBMISSION INFORMATION:

*Applicable Code of Federal Domestic Assistance (CFDA) number is **66.038** for Section 103 grants and **66.001** for Section 105 grants.*

Note: FULL APPLICATIONS ARE NOT TO BE SUBMITTED AT THIS TIME (i.e. the SF-424 forms should not be submitted, only the proposal narrative/workplan).

Proposal Elements: A sample workplan narrative template can be found on our Regional Tribal website at <https://www.epa.gov/tribal/region-3-tribal-program> or see Appendix A for more information. Each proposal must include the following components:

A. Cover Page:

- 1. Project title**
- 2. Total project cost:** Including EPA funds and other sources
- 3. Project period**
- 4. Type of grant application:** 1) Section 103 or 105; and 2) new application or continuation (e.g., extension of the grant project and budget period).
- 5. Program Manager/Contact(s):** Identify all individuals or parties who will be involved in the project/program activities, and a description of their respective roles/responsibilities.

B. Workplan Narrative:

The narrative workplan must explicitly describe how the proposed project/program meets the purpose of this announcement, and should consist of these elements:

- 1. Problem Statement:** Provide a well-supported statement or needs assessment of the problem to be addressed which demonstrates the reason your tribe or tribal land should receive funding support.
- 2. Objectives:** Identify the project/program objectives. Objectives should be specific, measurable, and clearly describe how they are related to and lead to the project/program goals and expected environmental results. Link to the “public” benefits to be obtained. Also include linkage to EPA Strategic Plan.
- 3. Project Methods:** Outline in detail the necessary tasks and activities that will be conducted to accomplish the objectives. Describe why you have chosen these activities to obtain the desired environmental results. The tasks and activities should be realistic and achievable within the budget and project period of the grant. Include whether the activities will require a Quality Assurance Project Plan (QAPP).
- 4. Specific Environmental Outputs:** Identify the specific outputs. Deliverables of an environmental activity, effort, and/or associated work products related to an environmental goal or objectives, which will be developed over a period or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period. For example, developing an air quality management plan, an emissions inventory, producing raw and summarized air monitoring data, or progress reports to be submitted on a quarterly or semi-annual basis.
- 5. Desired Environmental Outcomes:** Articulate the desired environmental outcomes. The result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, must be quantitative, and may not necessarily be achievable within an assistance agreement funding period. For example, “significant number of community members with increased awareness of air quality issues,” or “increased number of tribal residents breathing cleaner air.”
- 6. Target Dates and Milestones:** Include an estimated timeline or schedule of expected target dates and milestones (a marker of reaching an identifiable stage in any task) to achieve specific tasks and accomplishments during the budget and project period.
- 7. Performance Measures:** Provide a detailed explanation of how the project/program shall be evaluated (through quantitative means, if possible). Applicants must develop criteria to evaluate progress and results by tracking and measuring outputs and outcomes. Evaluation must occur during as well as after the project/program activities are conducted to make sure appropriate adjustments can be made along the way, if necessary. For example, if permit review is one of your objectives, provide a number of permits you plan to review.

C. **Budget:** Provide a detailed itemized budget proposal, including a narrative statement justifying the expenses for each of the following categories being performed within the grant/project period. Indicate whether the budget is for one or two years, provide the cost break down for each year and clearly indicate the total cost of the project for the entire project period.

a. **Personnel:** Indicate salaries and wages, by job title, of all individuals who will be supplemented with these funds. For example:

Air Quality Specialist @ \$15/hr x 40 hrs/wk x 52/wks = \$31,200
Total = \$31,200

b. **Fringe Benefits:** Indicate all mandated and voluntary benefits to be supplemented with these funds. For example:

Health Insurance - 1 FTE @ \$35/month x 12/months = \$420
Dental - 1 FTE @ \$40/months x 12/months = \$480 Total = \$900

c. **Travel:** Indicate number of individuals traveling, destination, number of trips, and reason for travel. For example:

Air Quality Training
Air Fare \$750 x 1 FTE = \$750
Per Diem @ \$43 day x 3 days x 1 FTE = \$129
Hotel @ \$100 day x 2 days x 1 FTE = \$200
Air Conference Local Travel Mileage - 1000 miles x \$0.485 = \$485
Total = \$1,664

d. **Equipment:** Identify items to be purchased such as air quality related instruments used in support of work plan objectives. Provide an estimated cost for each item. Make sure you can support your cost estimate. EPA policy defines equipment as items costing \$5,000 or greater. Indicate if your tribe or tribal land's definition differs. For example:

Ozone Analyzer - \$8,000
Ozone Calibrator - \$6,000 Total = \$14,000

e. **Supplies:** Indicate any items to be purchased that will be used in support of air project/program work plan objectives. For example:

General office supplies (pens, notebooks, paperclips, CD ROMs, etc.)
Total = \$500

f. **Contractual:** Indicate any proposed contractual items that are reasonable and necessary to carry out the work plan objectives. Examples of contractual items include sample analysis, and rental or lease of property being utilized in support of work plan objectives. For example:

Total mercury analysis - ABC Lab [52 samples @ \$100 = \$5200]

Shipping costs (site to lab) [$\$15.00$ per sample = $15 \times 52 = \$780$]
 Total = $\$5,980$

- g. Other:** Indicate general (miscellaneous) expenses necessary to carry out the objectives stated in the work plan. For example:

Office needs (postage, phone, fax, etc.) = $\$560$
 Office space -utilized for air-related project/program staff ($\$120/\text{months} \times 12/\text{months} = \1440)
 Total = $\$2,000$

- h. Total Direct Charges:** Summary of all costs associated with each object-class category. For example:

Total = $\$56,244$

- i. Total Indirect Costs:** Applicant must provide documentation of a federally approved indirect cost rate (percentage) reflective of proposed project/grant period. Applicant should indicate if tribe or tribal land is in negotiations with appropriate federal agency to obtain a new agreement. For example:

IDC Rate is 10% of total direct charges = $\$5,624$
 Total = $\$5,624$

- j. Total Cost:** Indicate overall figure of all direct and indirect costs. For example:

Total Budget = $\$61,868$

* If you propose a two-year project, in a similar manner, provide projected budget for year two. Further, add both years to reflect budget totals for each category and overall project cost.

Non-Federal Match Share calculation:

- 1) Determine total federal funds available- $\$61,868$
- 2) Divide total federal funds available by maximum federal % allowed (Federal 95%, non-federal 5%) $\$61,868 / (0.95) = \$65,124$
- 3) Subtract federal amount from the total project costs

Total Project costs	$\$65,124$
Federal amount	$-\$61,868$
Match	$\$6,315$

Management Fees: When formulating budgets for applications/proposals, applicants must not include management fees or similar charges in excess of the direct costs and indirect costs at the rate approved by the applicant's cognizant audit agency, or at the rate provided for by the terms of the agreement negotiated with EPA. The term "management fees or similar charges" refers to expenses added to the direct costs to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs that are not allowable under EPA assistance agreements. Management fees or similar charges may not be used to improve or

expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

Confidential Business Information: In accordance with 40 C.F.R. 2.203, applicants may claim all or a portion of their proposal as confidential business information. EPA will evaluate confidential claims in accordance with 40 C.F.R. 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 C.F.R. 2.204 (c) (2) prior to disclosure. Note that under Public Law No. 105-277, data produced under an award is subject to the Freedom of Information Act.

Disclaimer: Anything in your proposal is subject to public record review.

Quality Assurance: If the project/program involves collection/compilation or use of environmentally related data or data generation, a Quality Assurance Project Plan (QAPP) is required. If the grantee has an EPA approved QAPP, include a copy of the QAPP signature page and approval letter, if not, a QAPP must be developed and approved by the EPA regional office within 90 days of the project start date and before any environmental data is generated and/or collected.

Quarterly Reporting Requirements: For applicants who are building capacity to establish a tribal air program, EPA requires the submittal of quarterly progress reports. As the grantee demonstrates programmatic and administrative capability to implement the air program over time, a semi-annual or annual reporting schedule may be negotiated with EPA. Quarterly progress reports are due 30 days after the end of the quarter. Reports must document the progress in performing the commitments listed in the work plan and the reports must describe any problems with completing the commitments and the recipient's plan for resolving the problems. The reports must comply with the regulations listed in 2 C.F.R. § 200.328 for CAA 103 grants and 40 C.F.R. § 35.515 for CAA 105 grants.

Reports must include the following information:

1. A comparison of actual accomplishments with the anticipated outputs/outcomes specified in the assistance agreement work plan;
2. The reasons for slippage if established outputs/outcomes were not met;
3. A description of the progress status in meeting environmental outputs/outcomes, project/program assessment, and a submission of short data summaries; and
4. Additional pertinent information, including, when appropriate, analysis and information of cost overruns or high unit costs.

Final Reports: The final report should include a summary of the project, advances achieved applicable to environmental outputs and outcomes, and costs of the project. In addition, the final report shall discuss the problems, successes, lessons learned from the demonstration project that could help overcome structural, organizational or technical obstacles.

In accordance with 2 C.F.R. 200.328 (d)(1), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement workplan.

For further guidance on developing work plans involving air quality components please refer to the Tribal Menu of Options at: <https://www.epa.gov/tribal-air/menu-options-developing-tribal-air-grant-work-plans-and-managing-grants-environmental>.

SELECTION PROCESS:

Region 3 staff with knowledge of air quality management elements will review the submitted proposals and will provide recommendations to management regarding an appropriate funding level for each proposal.

Note: Funding level recommendations will be based on factors such as the number and complexity of proposed activities and needs for staffing, equipment, supplies, training and travel, and management of funds. In addition, the overall amount of funding available may determine the level of funding a tribe or tribal land can receive, regardless of the quality of the proposal.

PROPOSAL APPROVAL:

After completing the proposal review and recommendation process, Region 3 will notify applicants whether their proposals are being recommended for funding and a funding amount will be established. Once approved, the applicant must start their www.grants.gov application and submit no later than **October 15, 2020**.

The funding for selected projects will be in the form of a **cooperative agreement**. Cooperative agreements require substantial involvement between EPA and the selected applicants in the performance of the work supported. Although EPA will negotiate precise terms and conditions relating to substantial involvement as part of the award process, the anticipated substantial federal involvement includes:

- close monitoring of the successful applicant's performance to verify the results proposed by the applicant;
- collaboration during performance of the scope of work;
- in accordance with 2 CFR 200.318 General Procurement Standards, review of proposed procurement;
- approving qualifications of key personnel (EPA will not select employees or contractors employed by the award recipient);
- review and comment on reports prepared under the cooperative agreement (the final decision on the content of reports rests with the recipient).

APPLICATION PACKAGE SUBMISSION:

Applicants whose proposals are selected for funding will need to submit a completed federal grant application package through www.grants.gov. All required forms and information related to the general application process are available on the www.grants.gov website.

A complete application for selected proposals must contain the following forms and documentation:

1. SF-424 Application for Federal Assistance, with original signature;
2. SF-424 A (Budget by Categories and Indirect Cost Rate);
3. SF-424 B (Assurance for Non-Construction Programs);

4. EPA Form 4700-4 (Pre-award compliance review report);
5. Certification regarding lobbying;
6. Copy of Negotiated Indirect Cost Rate Agreement;
7. Standard Form LLL (Lobbying), if applicable;
8. Key contacts form;
9. Workplan Narrative (including a cover page, narrative workplan and budget narrative.) A sample workplan narrative template can be found on our Regional Tribal Page at <https://www.epa.gov/tribal/region-3-tribal-program>.

To apply for a CAA 103 or 105 grant, please follow this process:

1. Go to www.grants.gov.
2. Under the “Applicants” tab, click “How to Apply for Grants.”
3. Near the bottom-right of the page, click the red button, “Search for Opportunity Package.” In the field “Funding Opportunity Number,” type EPA-CEP-01 (leave the “Opportunity Package ID” field blank) and click “Search.”
4. Scroll through the CFDA numbers for 66.038 (for CAA 103) or 66.001 (for CAA 105); users can click “Preview” to download the required forms or “Apply” to begin the application process.
5. Login with your Username and Password

Please see Appendix A for helpful information and link to detailed step by step instructions on how to apply for a CAA 103 or 105 grant through www.grants.gov.

***NOTE:** The EPA reserves the right to negotiate appropriate changes in workplans after the selection process and before final award of assistance agreement. The notification, which advises that the applicant’s proposal has been selected and is being recommended for award, is NOT an authorization to begin performance. The assistance agreement signed by the EPA award official is the authorizing document and will be provided by email. At a minimum, this process can take 60 days from the date that the final application is received by the EPA.*

CONTACT INFORMATION:

All questions or comments should be communicated in writing via electronic mail (email) to the contact person(s) listed below.

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Appendix A: Helpful information

1. Workplan Narrative (including a cover page, narrative workplan and budget narrative.) A sample workplan narrative template can be found on our Regional Tribal website at <https://www.epa.gov/tribal/region-3-tribal-program>.
2. Detailed instructions on how to apply for a CAA 103 or 105 grant through www.grants.gov can be found on our Regional Tribal website at <https://www.epa.gov/tribal/region-3-tribal-program>.
3. For further guidance on developing work plans involving air quality components please refer to the Tribal Menu of Options at: <https://www.epa.gov/tribal-air/menu-options-developing-tribal-air-grant-work-plans-and-managing-grants-environmental>.
4. Please visit <https://www.epa.gov/grants> for helpful information on EPA grants management including grant opportunities, how to apply training and more.