

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

TITLE: ASSISTANCE AGREEMENT FOR ENVIRONMENTAL JUSTICE AND AIR PERMITTING WORKSHOPS

ACTION: UPDATES AND ANSWERS TO QUESTIONS ABOUT THE ASSISTANCE AGREEMENT

RFA #OAR-OAQPS-ITPID-05-02 - Amendment 2

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NO: 66-034

SUMMARY: EPA is providing supplemental information about the assistance agreement and answers to questions received on the assistance agreement.

EPA provides the following Q's and A's as supplemental information for prospective applicants.

1. Can the applicant use a subcontractor?

Response: Yes.

2. Where should the workshops be held?

Response: The limited available funding probably dictates that the workshop for EJ communities take place in a region that has lots of EJ community groups, to keep travel costs down. The advanced title V workshop can be anywhere that is easy to travel to, and the audience will be from across the country.

3. How many people should we plan on training at the workshops?

Response: In the past, we have used a target of 20-25 for the EJ communities workshop; 30-35 for the advanced title V workshop.

4. How much of the budget should be devoted to travel reimbursements?

Response: This figure can vary a lot depending on the number of participants and the distance they must travel. In the past, for the advanced T5 workshop, 40-50 % of the workshop budget has been allocated for travel and lodging for participants and presenters; around 35% of the workshops budget for the Clean Air Act training for EJ Communities was allocated to travel and lodging.

5. What information is available from past workshops? Are there materials that are available to get a jump start on the workshops?

Response: The workshop for EJ communities has been piloted and those materials are available. The advanced title V workshop needs to be planned from scratch, since issues have changed over time. Copies of the agendas used for the pilot project for EJ communities and for one of the previous advanced title V workshops is found at the end of this notice. Persons who want the complete workshop materials should send an email to [carraway.candace@epa.gov](mailto:carraway.candace@epa.gov). The pilot project workshop materials are available in PDF format. The advanced title V workshop materials are available in WordPerfect.

EPA has received the following questions about the assistance agreement:

1. Where have similar workshops been held and who are the partners and participants in the training?

Answer: EPA has held workshops in each of its 10 Regional Offices on “Introduction to Title V Permitting” and two workshops entitled “Advanced Title V.” The training partner for these workshops was Earthday Coalition, a non-profit in Cleveland Ohio. EPA recently partnered with Golden Gate University Law School to develop a pilot training workshop on the Clean Air Act for EJ communities. The primary audience for all of the workshops have been members and staff of community and environmental organizations.

2. If a nonprofit wants to partner with a University and apply for the grant, do they have to have a legal contract between them before they apply?

Answer: The term partner is very ambiguous. Also, its not when the legal relationship between the non-profit and the university is established, but how and for what purpose. If the non-profit applicant intends to conduct a joint project with the university by providing the university with a subaward as that term is defined at 40 CFR 30.2(ff), then the non-profit does not, as a legal matter, have to compete the subaward to the University. Typically, universities perform research or provide class room training under subgrants. Informal Agency policy encourages competition for subawards but it is not required under the grant regulations.

On the other hand, if all the university is doing is providing what amounts to commercial services for the non-profit such as bookkeeping or project management, then the non-profit would have to follow competitive procurement standards in 40 CFR part 30 to obtain those services.

Listing the university as a “partner” in the application does not absolve the non-profit from responsibility for complying with the applicable regulations.

3. We have an EPA funded air toxics grant to conduct compliance assistance education and training programs with Latino auto body shop workers in Lawrence, MA. The program has been very successful and we have been asked to share our training materials, methods, and strategies with other communities in MA with similar demographic profiles. Would a training program for

local officials, residents, auto body shop workers, and community organizations in EJ communities in MA be appropriate for this RFA?

Answer: A training program for local officials, residents, auto body shop workers, and community organizations in EJ communities in MA could be appropriate for one part of the assistance agreement, i.e., the workshop on the Clean Air Act for EJ communities. However, EPA expects that workshop to be a review of several Clean Air Programs, including permitting and State Implementation Plans, not just air toxics and compliance. Additionally, the second workshop on Advanced title V issues should be geared towards persons and groups that have substantial experience with title V issues. It is not clear whether the persons you describe would have that experience.

4. Were the funding amounts for previous workshops similar to the funding for this assistance agreement?

Answer: Yes.

5. What characteristics will the successful applicant have?

Answer: Please refer to the evaluation criteria listed in the section V of the Request For Applications (RFA).

6. Are colleges eligible applicants?

Answer: Yes.

7. A petroleum refinery wants to locate in our area, and a number of communities may be affected. Is it premature to apply for this assistance agreement?

Answer: EPA is not in a position to say whether the application would be premature. Please refer to the evaluation criteria listed in the section V of the Request For Applications (RFA) and the other material provided in this announcement to make that determination.

Agendas used in previous trainings:

*Clean Air Act Training  
Golden Gate University School of Law  
San Francisco, CA  
July 16 & 17, 2004*

**AGENDA**

**Friday, July 16**

8:30-9:00	Registration
9:00-10:15	Introductions and Welcome
10:00-10:15	Break
10:25-11:30	Overview of Air Pollution: Sources and Applicable Laws <i>Eileen Gauna, Southwestern University School of Law; Cliff Rechtschaffen, Golden Gate University School of Law</i>
11:30-1:00	Lunch
1:00-2:00	Overview of Clean Air Act <i>Veronica Eady, Tufts University</i>
2:00-2:10	Break
2:10-3:45	State Implementation Plans <i>Genevieve Damico, USEPA Region 5, Alan Ramo, Golden Gate University School of Law</i>
3:45-3:55	Break
3:55-4:25	Hazardous Air Pollutants <i>Genevieve Damico, USEPA Region 5</i>
4:25-4:45	Feedback, logistics, wrap-up

**Saturday, July 17**

8:30-9:00	Review agenda
9:10-11:00	Overview of Clean Air Act Permitting, with Emphasis on New Source Review <i>Matt Haber, USEPA Region 9; Kelly Haragan, Environmental Integrity Project</i>
11:00-11:10	Break
11:10-12:00	Introduction to Environmental Justice <i>Richard Drury, Adams Broadwell Joseph &amp; Cardozo</i>
12:00-1:00	Lunch
1:00-1:45	Exercise on EJ and Permitting <i>Richard Drury, Adams Broadwell Joseph &amp; Cardozo</i>
1:45-2:40	Introduction to Title V Operating Permits <i>Candace Carraway, USEPA Office of Air Quality Planning and Standards</i>
2:40-2:50	Break
2:50-3:15	Exercise on Title V <i>Candace Carraway, USEPA Office of Air Quality Planning and Standards</i>
3:15-4:15	Emerging Issues <i>Helen Kang, Golden Gate University School of Law</i>
4:15-5:00	Feedback, wrap-up, next steps

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*Advanced Title V Training Workshop  
Research Triangle Park, NC  
May 13-14, 2002  
Sponsored by  
Earth Day Coalition and the US Environmental Protection Agency*

**AGENDA**

**Day One- Monday May 13**

- noon-12:30 **Introductions, welcome, ground rules, review day one agenda:**  
Adam Zeller (Earth Day Coalition), Bill Harnett (EPA Office of Air Quality Planning and Standards), Candace Carraway (EPA OAQPS)
- 12:30-1:30 **How Sources Get out of Title V:** Glenn Landers (Ohio Sierra Club), Carol Holmes (EPA Office of General Counsel), Genevieve Damico (EPA Region V)
- 1:30 -2:00 **Introduction to Monitoring:** Kelly Haragan (Texas Public Citizen), Barrett Parker (EPA OAQPS)
- 2:00 - 2:15 **Break**
- 2:15- 3:30 **CAM:** Kelly Haragan (Texas Public Citizen), Barrett Parker (EPA OAQPS)
- 3:30-4:30 **Technology and Monitoring:** Jane Williams (California Communities Against Toxics)
- 4:30-4:45 **Feedback from participants:** Adam Zeller (EDC)
- 4:45-5:00 **Break**
- 5:00-6:00 **Title V Reporting:** Keri Powell (Earthjustice), Margaret Love (North Carolina Department of Natural and Environmental Resources) Tracy Peel (New York Public Interest Research Group)

## **Day Two - Tuesday May 14**

- 9:00-9:15 **Review Day two agenda:** Candace Carraway (EPA OAQPS)
- 9:15-10:15 **Startup, shutdown malfunction provisions (SSM):** Jane Williams (California Communities Against Toxics); Ray Vogel (EPA OAQPS)
- 10:15-10:30 **Break**
- 10:30-11:30 **Title V/NSR Interplay:** Adam Babich (Tulane Environmental Law Clinic), Ray Vogel (EPA OAQPS)
- 11:30-1:00 **Lunch**
- 1:00 - 2:00 **Uncovering Enforcement Issues:** Kelly Haragan (Texas Public Citizen), Eric Schaeffer (Rockerfeller Family Fund Environmental Enforcement Project), Kimberly Garnett (NC Department of Natural and Environmental Resources), Robert Dresdner (EPA Office of Enforcement and Compliance Assurance), Jane Williams (California Communities Against Toxics)
- 2:00-3:00 **Petitioning EPA:** Keri Powell (Earthjustice) and Apple Chapman (EPA OGC)
- 3:00-- 3:15 **Evaluations and wrap up:** Adam Zeller (EDC)