

September 7, 2001

Mike Stahl  
Acting Principal Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Mike:

On behalf of the State and Territorial Air Pollution Program Administrators (STAPPA) and the Association of Local Air Pollution Control Officials (ALAPCO), thank you for the opportunity to provide supplemental comments on the U.S. Environmental Protection Agency's (EPA's) August 3, 2001 draft "FY 2002 State and Tribal Enforcement Grant Program Guidance." Specifically, the draft guidance outlines EPA's proposal for allocating the \$25-million set-aside for state and tribal enforcement activities in the President's FY 2002 budget. The draft proposal is based on the comments EPA received on its April 30, 2001 "Options Framework for FY 2002 State/Tribal Enforcement Grant Program."

We commend EPA for initiating a broad consultation process to solicit views on the new enforcement grant program and welcome the opportunity to work with EPA to develop a program that will enhance state and local air agency enforcement efforts. Toward that end, we reiterate our May 31, 2001 comments on EPA's April 30, 2001 options framework. While we are pleased that EPA adopted some of our May 31 recommendations in its August 3, 2001 draft proposal – specifically, including local agencies among those entities that are eligible to receive grant funds – we are still concerned that the current proposal does not allow local agencies to apply directly for the competitive portion of the funds. Instead, local agencies must submit their applications as part of one consolidated application proposal through the respective states. We strongly believe that local agencies should be able to compete equally with states for those funds, and to that extent we believe there are several options to ensure a local agency role in the proposed grant program. One option would be to allow local air pollution control agencies that are either direct grantees under Section 105 of the Act, or have direct enforcement authority, to compete directly for and be directly awarded the competitive portion of the grant funds. All other local agencies would be eligible to receive grant funds through the respective state agencies. As an alternative option, EPA could set aside a portion of the competitive funds for local agencies, similar to the proposal that is currently being contemplated for the Tribes.

Once again, STAPPA and ALAPCO thank you for the opportunity to provide further comments on the agency's draft proposal for the FY 2002 enforcement grant guidance. We look forward to continuing to work with EPA and other stakeholders to develop guidance that will support and enhance not only state and local air pollution control agencies' enforcement efforts, but all environmental enforcement activities. If you have any questions, please contact either of us, or STAPPA and ALAPCO's Executive Director, S. William Becker, at (202) 624-7864.

Sincerely,

Arthur L. Williams  
ALAPCO President

Richard A. Valentinetti  
STAPPA President

Cc: Rob Brenner  
Sylvia Lowrance