

March 30, 2004

S. WILLIAM BECKER
EXECUTIVE DIRECTOR

Mr. Robert D. Brenner
Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Mr. Brenner:

On behalf of the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials, thank you for the opportunity to comment on the draft FY 2005 Office of Air and Radiation's National Program and Grant Guidance. We appreciate EPA's request for our comments and recommendations on this important matter.

Before commenting on the specifics of the proposed guidance, we would like to express our dismay that the President's request did not include an increase for state and local air program grants. The need for increased funding is acute, especially considering the risks associated with air pollution – and we know of no other environmental problem that poses a greater risk to public health and the environment. Accordingly, we strongly recommend that EPA provide significant increases in funding in the future.

Monitoring Funds

The draft guidance and accompanying allocation information lacked specifics related to several types of monitoring. We have been informed that those portions of the draft guidance are forthcoming. Since monitoring is very important to us and the elements of the guidance that are absent reflect millions of dollars, we request that you provide us with the missing information and give us adequate time to review it and provide comments.

Air Toxics Monitoring

Last year, we expressed our opposition to EPA's plan to allocate the entire FY 2004 increase of \$5 million, along with \$2 million that Congress added to our budget in FY 2003, for air toxics monitoring. We continue to object to this earmark in FY 2005.

While we agree that air toxics monitoring is very important and should be well funded, there are many other pressing air quality activities on which the \$7 million could perhaps be better spent. We therefore recommend that state and local air agencies be permitted to focus those funds on activities that are most essential in their areas.

Accordingly, we again recommend, as we did last year, that the \$7 million that EPA is proposing to earmark for air toxics monitoring be distributed to the regions as Section 105 funds with the mandate that the funds be used to support the highest priority activities, including base program activities. In some areas, these could in fact turn out to be air toxics monitoring.

Furthermore, with respect to the \$6.5 million that was shifted away from National Ambient Air Quality Standards activities in FY 2003, we suggest the funds be distributed to the regions as in the past, but that state and local agencies have the flexibility to use the funds for air toxics monitoring or other important activities, as appropriate.

Training

STAPPA/ALAPCO representatives and EPA staff have begun a discussion about the future level of funding for training activities. Included in this discussion is the total amount of Section 105 grants that should be set aside for training activities, as well as how much EPA's contribution will be to these programs. Since those discussions are ongoing, we wish to withhold comment here on the exact amount of training funds that should be held off-the-top at the national level.

Regional Distribution

We understand that you are proposing to distribute the funds across the regions as you did in FY 2004. We are pleased that no region will suffer a decrease. We also recommend that every state and direct-funded local agency receive at least as much in Section 105 funding as it did in FY 2004.

Since funding has not been increased, we are pleased that EPA is retaining the same funding distribution as in the past. However, we believe it is very important that EPA develop an updated regional allocation formula for Section 105 grants and distribute increases with the goal of adjusting the allocation. We are disappointed that EPA has not yet developed this revised allocation scheme and we strongly urge EPA to begin work on an updated allocation formula as soon as possible.

Flexibility

We recommend that the grant guidance explicitly provide state and local air agencies with flexibility to use the grant funds for those activities the agencies believe are of the highest priority and will result in the greatest public health and environmental benefit. This will allow state and local air agencies to tailor the grant expenditures to the areas of greatest need.

Withholding Grant Funds

As you know, STAPPA and ALAPCO strongly believe that funds should not be held off-the-top at the national or regional levels without the concurrence of state and local agencies. Therefore, the final guidance should include specific instructions to the EPA Regional Offices that Section 105 grant funds may not be withheld unless the funded activities or programs benefit state and local agencies and are the responsibility of state and local air agencies, and only if state and local agencies have concurred in the use of Section 105 funds for the activities or programs. These criteria should apply at the regional as well as at the national level. Moreover, regional offices should not take grant funds “off-the-top” unless the criteria are met.

Air Toxics Activities

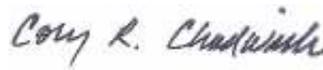
The draft guidance includes milestones that state and local air agencies will be expected to meet in implementing the air toxics programs. We are concerned that state and local agencies currently do not have the training and expertise to develop effective risk assessment capabilities. Therefore, it will be difficult, if not impossible, for these agencies to meet the milestones included in the draft. This is another example of an activity for which state and local air agencies need a large infusion of resources in order to carry out.

Thank you again for this opportunity to provide our input. Please contact us if we can provide additional information.

Sincerely,



James A. Joy, III
President of STAPPA



Cory R. Chadwick
President of ALAPCO

cc: Jerry Kurtzweg
Michael Hadrick
William Houck