

k. Monitor compliance with work practice standards or regulations for the conduct of abatement per the authorized program.

l. Implement the timely training of enforcement inspectors.

m. Implement lead-based paint compliance assistance programs.

n. Implement compliance and enforcement inspection sampling techniques.

o. Adopt or develop specific lead-based paint hazard values or standards.

p. Maintain, improve, and/or develop specific procedures and supporting documentation to carry out the enforcement program as described in an authorized program. Typical activities could include development of administrative or civil action procedures and the associated warning letters, notices of noncompliance, or the equivalent.

q. Maintain, improve, and/or develop specific procedures and supporting documentation to carry out the tracking of tips and complaints as described in the authorized program. Typical activities could include development of methods of recording the receipt of complaints, referring lead-based paint complaints to appropriate State or local agencies, tracking the follow-up investigation, tracking any enforcement action associated with the complaint, and notifying citizens of the disposition of their complaints.

r. Prepare a report per 40 CFR 745.327(d) and/or 40 CFR part 31 grant reporting requirements on the applicant's program progress and performance.

s. Develop and/or revise as needed, the lead-based paint programs, including regulations or procedures for decertification, suspension, revocation or modification of approvals and certificates.

t. Develop and/or revise as needed, requirements for the administration of a third-party certification exam.

u. Develop and/or revise as needed, lead-based paint programs' authority to enter, for purposes of inspection, and other relevant enforcement authorities.

v. Develop and/or revise as needed, enforcement remedies, procedures, etc.

w. Maintain, improve and/or develop techniques for targeting lead-based paint activities' inspections.

x. Improve the timeliness of the processing and follow-up of inspection reports and other information generated through enforcement-related activities associated with a lead-based paint program.

y. Enhance the capacity to improve compliance with Lead Program laws, and effectively develop and issue

enforcement remedies/responses to violations.

z. Foster activities that would increase the efficiency of an applicant's program to ensure that individuals engaged in lead-based paint activities are properly trained; that training programs are accredited; and that contractors engaged in such activities are certified. These activities could include initiatives to develop local capacity in low-income and rural areas, to promote increased competition in the regulated community through agreements which permit entities recognized by an outside jurisdiction to operate in the grantees jurisdiction (referred to as "reciprocity"), and similar efforts.

6. *Award and distribution of funds.*

EPA currently expects that up to \$12.5 million of FY2003 appropriated funds will be available during the FY2003 funding cycle for financial assistance under TSCA section 404(g) for awards to States, Territories, Indian Tribes, and Intertribal Consortia for development and implementation of EPA-authorized lead-based paint programs, and for EPA's direct implementation of programs in States, Territories, and Indian Tribes that do not have EPA authorized programs. Additional TSCA section 404(g) carry-over funds from previous years may also be available from some Regions. For FY2003 funding, the Agency is setting-aside \$1 million of the \$12.5 million for eligible Indian Tribes and Intertribal Consortia. The remaining \$11.5 million plus any available carry-over dollars will be used to fund State, Territorial, and Federal lead-based paint programs.

a. *Financial assistance to Indian Tribes and Intertribal Consortia.* Each Indian Tribe and Intertribal Consortium that submits a qualifying proposal and is making sufficient progress toward the development and/or implementation of an acceptable lead-based paint program, as determined by the EPA Regional Offices, may receive base funding of \$50,000. Though Indian Tribes and Intertribal Consortia may submit qualifying proposals, the award of funds will be based upon the applicant's progress in developing an acceptable program, including implementing regulations and seeking program authorization from EPA. Failure to make satisfactory progress toward program authorization may result in the Indian Tribe or Intertribal Consortium receiving reduced or no funding. The Regional Offices will have the discretion, as part of their grant oversight responsibilities, to determine if the progress being made toward program authorization is sufficient to warrant funding. Further distribution of

the Indian Tribal and Intertribal Consortia set-aside funds will be dependent upon the number of applicants, the progress that the grantee is making in developing a program, the status of expenditures of previously awarded funds, population, and the relative strength of the proposal. After the closing date for submittal of Indian Tribe and Intertribal Consortium applications specified in this Notice, EPA Headquarters and Regional Offices will consider each of the proposals, and make decisions about the level of funding to be awarded to each of the applicants. Following those decisions, EPA Headquarters will transfer the funds to the Regional Offices for award to the Tribes and Intertribal Consortia. Indian Tribal and Intertribal Consortia set-aside funds are not included in the formula funds pool for States and Territories discussed in Unit I.D.6.b.

b. *Financial assistance to States and Territories.* The process used by EPA for determining award funding levels for States and Territories involves two steps. EPA Headquarters first determines, based on various factors discussed below, the funding level that will be made available to each of the EPA Regional Offices for grantee awards in the respective regions. Following distribution of the funds to the EPA Regional Offices, the Regional Offices then make decisions on the actual funding level to be received by each of the grantees.

The Agency currently uses a three-tiered system to implement step one: The process for deciding the amount of FY2003 cooperative agreement funds that will be distributed to the EPA Regional Offices. This system is designed to provide a base funding level for each qualified applicant and to provide funding for EPA Headquarters and Regional Offices to address direct program implementation responsibilities, while providing funds targeted to areas with the greatest potential lead burden. The system accomplishes this first by providing a discretionary funding set-aside that is used to fund special needs among the grantees; second by providing a base funding set-aside for every State and Territorial applicant; and third by providing funding based on a formula that considers the relative lead burden estimated to exist within a State or Territory.

The discretionary funding set-aside involves setting aside \$200,000 of funds for each of the 10 EPA Regional Offices (total \$2.0 million) for discretionary funding of grantee activities as well as the Regional direct implementation activities. These funds are primarily