

CITY of ALBUQUERQUE

TWENTY-FIFTH COUNCIL

COUNCIL BILL NO. R-23-187 ENACTMENT NO. _____

SPONSORED BY: Tammy Fiebelkorn, by request

1 RESOLUTION
2 APPROVING AND AUTHORIZING THE FILING OF THE ATTACHED GRANT
3 APPLICATION FOR THE AMERICAN RESCUE PLAN AIR QUALITY MONITORING
4 GRANT WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY AND
5 PROVIDING AN APPROPRIATION TO THE ENVIRONMENTAL HEALTH
6 DEPARTMENT IN FISCAL YEAR 2023-2024. THIS GRANT WAS APPLIED FOR
7 APRIL 4, 2022, AND THE FUNDS WERE RECEIVED JULY 1, 2022. NO GRANT
8 FUNDS HAVE BEEN SPENT.

9 WHEREAS, the Environmental Health Department has a performance
10 measure that it will protect and enhance air quality for current and future
11 generations and thereby protect public health, economic well-being, and
12 aesthetic values for the community, including all of (Bernalillo County); and

13 WHEREAS, the operation of the Environmental Health Department Air
14 Quality Programs provides the technical means of accomplishing these goals;
15 and

16 WHEREAS, Congress has provided the U.S. Environmental Protection
17 Agency with special funding to address special projects designed to enhance
18 public health by reducing air pollution.

19 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
20 ALBUQUERQUE:

21 Section 1. That the attached application for the American Rescue Plan Air
22 Monitoring Grant of \$115,000 for the period of July 1, 2022 – June 30, 2024, is
23 hereby approved, and its submission and filing with the appropriate official or
24 office of the Environmental Protection Agency is in all respects approved.

25 Section 2. Federal funds from the Environmental Protection Agency of
26 \$115,000 is hereby appropriated to the Environmental Health Department for the

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[Bracketed/Strikethrough Material] - Deletion

1 Air Quality Programs in the Operating Grants Fund, Fund 265, for Fiscal Year
2 2023-2024.

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CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Office of the Mayor

Mayor Timothy M. Keller

INTER-OFFICE MEMORANDUM

October 25, 2023

TO: Patrick Davis, President, City Council

FROM: Timothy M. Keller, Mayor

SUBJECT: Resolution approving and authorizing the FY23 - FY24 American Rescue Plan Air Quality Monitoring Grant

For your consideration, please find the attached resolution allowing the Environmental Health Department Air Quality Program to apply funding already received to the American Rescue Plan Air Monitoring Grant for Fiscal Year 2023-2024. This Grant was applied for April 4, 2022, and the funds were received July 1, 2022. This Grant Award letter was received before submittal because of the uncertainty of the final Grant Award. No Grant funds have been allocated or spent. The program supports ongoing air quality monitoring of fine particulate matter and distributing information to our citizens and industries regarding air quality and pollution.

The attached grant application is for 100% federal funding from the U.S. Environmental Protection Agency of \$115,000 from July 1, 2023, through June 30, 2024. City matching funds are not required.

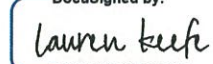
The attached resolution is submitted for consideration and action by the Council.

TITLE/SUBJECT OF LITIGATION: Resolution approving and authorizing the FY23 - FY24 American Rescue Plan Air Quality Monitoring Grant


Approved:

Approved as to Legal Form:


Samantha Sengel Date
Chief Administrative Officer

DocuSigned by:
 11/7/2023 | 4:58 PM MST
1A21D96D32C74EE...
Lauren Keefe Date
City Attorney

Recommended:

DS
KES
DocuSigned by:
 11/7/2023 | 1:51 PM PST
5AD69418F54D40D...
Angel Martinez Date
Director, Environmental Health

Cover Analysis

1. What is it?

The purpose of this American Rescue Plan funded cooperative agreement is to advance enhanced monitoring of Particulate Matter 2.5 (PM2.5) or other National Ambient Air Quality Standards (NAAQS) pollutants in and near communities with environmental justice concerns that face disproportionate exposure to these pollutants and health risks which are also associated with increased vulnerability to COVID-19. As a recipient of the EPA grant, the City of Albuquerque will Review and compare EPA proposed equipment for purchase and determine if any adjustments need to be made on enhancements at various air monitoring sites based on current needs.

Complete automation of PM2.5 monitors will provide all communities with fine particulate data of the same quality and allow them to compare continuous data streams in nearby areas. Operation of PM2.5 or other NAAQS pollutants air monitoring following all EPA requirements leading to collection of quality assured ambient air quality data to help ensure that more Americans are living and working in areas that meet high air quality standards. These activities' Direct beneficiaries are community residents with a decreased risk of adverse health effects, including cancer and neurological effects.

2. What will this piece of legislation do?

Allow the Mayor to accept federal funding from the US EPA for the operation of Albuquerque's Ambient Air Monitoring Program and administer the appropriation for the American Rescue Plan Grant for Federal FY2023 to FY2024.

3. Why is the project needed?

These funds will primarily be used to replace existing filter-based monitors or otherwise enhance existing monitors in and near those communities to provide 24/7, real-time reporting of air quality concentrations. Complete automation of PM2.5 monitors will provide all communities with fine particulate data of the same quality and allow them to compare continuous data streams in nearby areas. The funds may address other considerations in and near communities with environmental justice concerns, including upgrading other NAAQS pollutant monitoring sites, upgrading specific NAAQS gas monitors and/or equipment not meeting performance or completeness goals, and other possible PM monitoring investments.

4. How much will it cost, and what is the funding source?

The award is \$115,000 from July 1, 2023, through June 30, 2024. There are no matching funds required for this grant. The US EPA is the Grantor.

5. What will happen if the project is not approved?

Funds would be returned to the Environmental Protection Agency, and no equipment upgrades would be completed.

**City of Albuquerque
Application for Federal Assistance SF-424**

For Federal Fiscal Year 2023

**Albuquerque/Bernalillo County
Air Pollution Control Program**



SF-424 APPLICATION FOR FEDERAL ASSISTANCE

Application for Federal Assistance SF-424		
* 1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application	* 2. Type of Application: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision	* If Revision, select appropriate letter(s): _____ * Other (Specify): _____
* 3. Date Received: _____	4. Applicant Identifier: _____	
5a. Federal Entity Identifier: _____	5b. Federal Award Identifier: _____	
State Use Only:		
6. Date Received by State: _____	7. State Application Identifier: _____	
8. APPLICANT INFORMATION:		
* a. Legal Name: City of Albuquerque		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 85-600000102	* c. UEI: _____	
d. Address:		
* Street1: P.O. Box 1293	_____	
Street2:	_____	
* City: Albuquerque	_____	
County/Parish:	_____	
* State: NM: New Mexico	_____	
Province:	_____	
* Country: USA: UNITED STATES	_____	
* Zip / Postal Code: 87103-1293	_____	
e. Organizational Unit:		
Department Name: Environmental Health	Division Name: Air Quality Programs	
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Mr.	* First Name: Angel	_____
Middle Name:	_____	
* Last Name: Martinez	_____	
Suffix:	_____	
Title: Director		
Organizational Affiliation: City of Albuquerque, Environmental Health Department		
* Telephone Number: 505-768-2631	Fax Number: _____	
* Email: angelmartinez@cabq.gov		

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

US Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.034

CFDA Title:

Surveys, Studies, Research, Investigations, and Special Purpose Activities Relating to the Clean Air Act.

*** 12. Funding Opportunity Number:**

EPA-OAR-ARP-22-06

* Title:

American Rescue Plan (ARP) Grant

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

FY 2022-2023 Albuquerque/Bernalillo County American Rescue Plan Grant

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424

16. Congressional Districts Of:

* a. Applicant

* b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed

17. Proposed Project:

* a. Start Date:

* b. End Date:

18. Estimated Funding (\$):

* a. Federal	<input type="text" value="115,000.00"/>
* b. Applicant	<input type="text" value="0.00"/>
* c. State	<input type="text" value="0.00"/>
* d. Local	<input type="text" value="0.00"/>
* e. Other	<input type="text" value="0.00"/>
* f. Program Income	<input type="text" value="0.00"/>
* g. TOTAL	<input type="text" value="115,000.00"/>

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- a. This application was made available to the State under the Executive Order 12372 Process for review on
- b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**

Yes No

If "Yes", provide explanation and attach

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title:

* Telephone Number: Fax Number:

* Email:

* Signature of Authorized Representative: * Date Signed:

DETAILED ITEMIZED BUDGET

BUDGET CATEGORIES INFORMATION (FROM SF424A, SECTION B TOTALS)

Enter Total Program Costs, i.e., Federal and Non-Federal Funds Combined

(Attach Separate Sheet(s) if necessary)

FY 2023

Object Class Categories

D.	Equipment:	
	(1) List each item costing \$5,000 or more to be purchased for this project.	
	T640x PM Mass Monitor (1@\$46,110 - Estimate based on current pricing)	\$ 55,000
	Network Switches (3@\$20,000)	\$ 60,000
	SUB-TOTAL	\$ 115,000
	EQUIPMENT TOTAL	\$ 115,000
E.	Supplies: List by groups, as appropriate. Consumables, paper, printing, office supplies, reproduction supplies.	
	SUPPLIES TOTAL	\$ -
	*Please note that this list is not inclusive of all consumables. There are several types of samplers from various manufacturers that are utilized.	

**ASSURANCES NON-CONSTRUCTION PROGRAMS
CERTIFICATION**

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.



PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee- 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
19. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Chief Administration Officer
APPLICANT NAME Lawrence Rael	DATE SUBMITTED 

**EPA FORM 4700-4 PRE-AWARD COMPLIANCE
REVIEW REPORT**

Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance

Note: Read instructions before completing form.

This collection of information is approved by OMB under the Paperwork Reduction Act, 44 U.S.C. 3501 et seq. (OMB Control No. 2030-0020). Responses to this collection of information are required to obtain an assistance agreement (40 CFR Part 30, 40 CFR Part 31, and 40 CFR Part 33 for awards made prior to December 26, 2014, and 2 CFR 200, 2 CFR 1500, and 40 CFR Part 33 for awards made after December 26, 2014). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The public reporting and recordkeeping burden for this collection of information is estimated to be 0.5 hours per response. Send comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden to the Regulatory Support Division Director, U.S. Environmental Protection Agency (2821T), 1200 Pennsylvania Ave., NW, Washington, D.C. 20460. Include the OMB control number in any correspondence. Do not send the completed form to this address.

I. A. Applicant/Recipient (Name, Address, City, State, Zip Code)

Name:

Address:

City:

State: Zip Code:

B. Unique Entity Identifier (UEI):

C. Applicant/Recipient Point of Contact

Name: Phone: Email:

Title:

II. Is the applicant currently receiving EPA Assistance? Yes No

III. List all pending civil rights lawsuits and administrative complaints filed under federal law against the applicant/recipient that allege discrimination based on race, color, national origin, sex, age, or disability. (Do not include employment complaints, unless covered by 40 C.F.R. Parts 5 and 7.)

IV. List all civil rights lawsuits and administrative complaints decided against the applicant/recipient within the last year that alleged discrimination under federal law based on race, color, national origin, sex, age, or disability and enclose a copy of all decisions. Please describe all corrective actions taken. (Do not include employment complaints, unless covered by 40 C.F.R. Parts 5 and 7.)

V. List all civil rights compliance reviews of the applicant/recipient conducted under federal nondiscrimination laws by any federal agency within the last two years and enclose a copy of the review and any decisions, orders, or agreements based on the review. Please describe any corrective action taken. (40 C.F.R. § 7.80(c)(3))

VI. Is the applicant requesting EPA assistance for new construction? If no, proceed to VII; if yes, answer (a) and/or (b) below.

Yes No

a. If the grant is for new construction, will all new facilities or alterations to existing facilities be designed and constructed to be readily accessible to and usable by persons with disabilities? If yes, proceed to VII; if no, proceed to VI(b).

Yes No

b. If the grant is for new construction and the new facilities or alterations to existing facilities will not be readily accessible to and usable by persons with disabilities, explain how a regulatory exception (40 C.F.R. 7.70) applies.

VII. Does the applicant/recipient provide initial and continuing notice that it does not discriminate on the basis of race, color, national origin, sex, age, or disability in its program or activities? (40 C.F.R. 5.140 and 7.95) Yes No

a. Do the methods of notice accommodate those with impaired vision or hearing? Yes No

b. Is the notice posted in a prominent place on the applicant's/recipient's website, in the offices or facilities or, for education programs and activities, in appropriate periodicals and other written communications? Yes No

c. Does the notice identify a designated civil rights coordinator? Yes No

- VIII. Does the applicant/recipient maintain demographic data on the race, color, national origin, sex, age, or disability status of the population it serves? (40 C.F.R. 7.85(a)) Yes No
- IX. Does the applicant/recipient have a policy/procedure for providing meaningful access to services for persons with limited English proficiency? (Title VI, 40 C.F.R. Part 7, *Lau v Nichols* 414 U.S. 563 (1974)) Yes No
- X. If the applicant is an education program or activity, or has 15 or more employees, has it designated an employee to coordinate its compliance with 40 C.F.R. Parts 5 and 7? Provide the name, title, position, mailing address, e-mail address, fax number, and telephone number of the designated coordinator.

Amanda Trujillo, Executive Assistant, General Services Division, P.O. Box 1293, Albuquerque, NM 87103, amandatrujillo@cabq.gov, Tel: 505-768-2534, Fax: N/A

- XI. If the applicant is an education program or activity, or has 15 or more employees, has it adopted grievance procedures that assure the prompt and fair resolution of complaints that allege a violation of 40 C.F.R. Parts 5 and 7? Provide a legal citation or applicant's/recipient's website address for, or a copy of, the procedures.

<https://www.cabq.gov/civilrights/grievance-procedure>; or <https://www.cabq.gov/civilrights/procedimiento-de-quejas>

For the Applicant/Recipient

I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law. I assure that I will fully comply with all applicable civil rights statutes and EPA regulations.

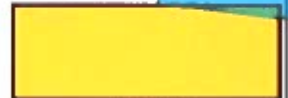
A. Signature of Authorized Official



B. Title of Authorized Official



C. Date



For the U.S. Environmental Protection Agency

I have reviewed the information provided by the applicant/recipient and hereby certify that the applicant/recipient has submitted all preaward compliance information required by 40 C.F.R. Parts 5 and 7; that based on the information submitted, this application satisfies the preaward provisions of 40 C.F.R. Parts 5 and 7; and that the applicant has given assurance that it will fully comply with all applicable civil rights statutes and EPA regulations.

A. Signature of Authorized EPA Official

B. Title of Authorized Official

C. Date

Instructions for EPA FORM 4700-4 (Rev. 04/2021)

General. Recipients of Federal financial assistance from the U.S. Environmental Protection Agency must comply with the following statutes and regulations.

Title VI of the Civil Rights Acts of 1964 provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The Act goes on to explain that the statute shall not be construed to authorize action with respect to any employment practice of any employer, employment agency, or labor organization (except where the primary objective of the Federal financial assistance is to provide employment). Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act provides that no person in the United States shall on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Federal Water Pollution Control Act, as amended. Employment discrimination on the basis of sex is prohibited in all such programs or activities. Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability in the United States shall solely by reason of disability be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Employment discrimination on the basis of disability is prohibited in all such programs or activities. The Age Discrimination Act of 1975 provides that no person on the basis of age shall be excluded from participation under any program or activity receiving Federal financial assistance. Employment discrimination is not covered. Age discrimination in employment is prohibited by the Age Discrimination in Employment Act administered by the Equal Employment Opportunity Commission. Title IX of the Education Amendments of 1972 provides that no person in the United States on the basis of sex shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance. Employment discrimination on the basis of sex is prohibited in all such education programs or activities. Note: an education program or activity is not limited to only those conducted by a formal institution. 40 C.F.R. Part 5 implements Title IX of the Education Amendments of 1972. 40 C.F.R. Part 7 implements Title VI of the Civil Rights Act of 1964, Section 13 of the 1972 Amendments to the Federal Water Pollution Control Act, and Section 504 of The Rehabilitation Act of 1973.

Items "Applicant" means any entity that files an application or unsolicited proposal or otherwise requests EPA assistance. 40 C.F.R. §§ 5.105, 7.25. "Recipient" means any State or its political subdivision, any instrumentality of a State or its political subdivision, any public or private agency, institution, organizations, or other entity, or any person to which Federal financial assistance is extended directly or through another recipient, including any successor, assignee, or transferee of a recipient, but excluding the ultimate beneficiary of the assistance. 40 C.F.R. §§ 5.105, 7.25. "Civil rights lawsuits and administrative complaints" means any lawsuit or administrative complaint alleging discrimination on the basis of race, color, national origin, sex, age, or disability pending or decided against the applicant and/or entity which actually benefits from the grant, but excluding employment complaints not covered by 40 C.F.R. Parts 5 and 7. For example, if a city is the named applicant but the grant will actually benefit the Department of Sewage, civil rights lawsuits involving both the city and the Department of Sewage should be listed. "Civil rights compliance review" means: any federal agency-initiated investigation of a particular aspect of the applicant's and/or recipient's programs or activities to determine compliance with the federal non-discrimination laws. Submit this form with the original and required copies of applications, requests for extensions, requests for increase of funds, etc. Updates of information are all that are required after the initial application submission. If any item is not relevant to the project for which assistance is requested, write "NA" for "Not Applicable." In the event applicant is uncertain about how to answer any questions, EPA program officials should be contacted for clarification.

EX. A, HRD/EEOC REPORT FOR EPA GRANT FUNDING AS OF 3/31/2023

Civil rights lawsuits and administrative complaints pending against the applicant/recipient
that allege discrimination based on race, color, national origin, sex, age or disability

This report includes any responsive lawsuits or administrative complaints that are brought against either the City of Albuquerque (the applicant) or the Environmental Health Department (the recipient). It does not include complaints brought against other departments of the City of Albuquerque if the complaint did not name either the City of Albuquerque or the Environmental Health Department as a defendant, per EPA request.

Name	EEOC No.	HRD No.	Basis of Charge	Matter ID
Apodaca, Timothy		22-11-0959-S	Race; Color; National Origin	10.1468
Aswani, Satish		15-04-08-0142	Retaliation; discrimination; Race; Color; National Origin	12.197
Chavez, Obed	39B-2023-00118	23-02-0087-S		67.015
De Yapp, Lena	39B-2023-00054	22-11-0967-S	Race; Sex; National Origin; Retaliation; Disability	10.1469
Franke, Joseph	543-2022-00850		Age	33.091
Flynn, Erin	39B-2020-01368	20-09-14-0469	Retaliation; Sex	33.074
Flynn, Erin	39B-2022-00144		Retaliation; Sex Discrimination	33.086
Glaubitz, Amber R.	543-2022-00287		Retaliation; Sex	17.183
Kelleher, Richard	39B-2023-00045	22-09-0711-E	Age	19.074
Keller, David	543-2022-00109		Discrimination; Disability	11.404
Kimberle, Diane	39B-2023-00032		Retaliation; Religion	19.073
Lee, Justin C.	543-2021-00306		Retaliation; Race	10.1257
Lozano, Juan	39B-2020-00563	20-04-06-0157	Retaliation; Race; National Origin; Age; Ancestry	20.225
Lujan, Vanessa	39B-2022-00335	22-09-0805-S	Age; Sex	19.076 & 40.004
Maestas, Felix	39B-2023-00006	22-10-0826-S	Race; Retaliation; Sex; Age	11.412
Martinez, Steve P.	543-2022-00036		Disability; Discrimination	17.185
Miller, Ivanhoe	543-2021-00753		Race; Color; Age; Discrimination	135.003
Padilla, Anita	39B-2023-00160		Discrimination; Race; Color; Retaliation	19.078
Portillo-Suarez, Juan	39B-2022-00318	22-09-0753-S	National Origin; Retaliation	17.181
Rogers, Zhon	39B-2023-00128	23-02-0116-S	Retaliation; Discrimination; Race; Color; Sex; Age; Disability	67.016
Romero, Augustine	543-2020-00496		Retaliation; Race	33.066
Romero, Augustine	543-2020-00818		Retaliation	33.075

EX. A, HRD/EEOC REPORT FOR EPA GRANT FUNDING AS OF 3/31/2023

Civil rights lawsuits and administrative complaints pending against the applicant/recipient
that allege discrimination based on race, color, national origin, sex, age or disability

This report includes any responsive lawsuits or administrative complaints that are brought against either the City of Albuquerque (the applicant) or the Environmental Health Department (the recipient). It does not include complaints brought against other departments of the City of Albuquerque if the complaint did not name either the City of Albuquerque or the Environmental Health Department as a defendant, per EPA request

Name	EEOC No.	HRD No.	Basis of Charge	Matter ID
Sanchez, Angelica	39B-2022-00298	22-08-0621-E	Retaliation; Religion	19.072
Sanchez, Paul	543-2022-00021		Retaliation; Sex	11.391
Santana, Gladys	39B-2023-00027	22-10-0892-S	Retaliation	14.034
Silva, Michaela		18-11-20-0417	Sex	12.324
SWOP Civil Rights Complaint			OCR Complaint	48.007-4
Vasquez, Greg	39B-2023-00094	22-10-0904-E	Discrimination; Race; Age, National Origin	24.478
Wiese, Mary Debbie	39B-2022-00324	22-09-0762-S	Retaliation; Discrimination; Sex Age; Disability	24.472
Zamora, Isabelle	39B-2023-00053	22-09-0795-E	Retaliation; Discrimination; Age; Disability	33.093

**CERTIFICATION REGARDING LOBBYING AND SF
LLL**

CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

* APPLICANT'S ORGANIZATION City of Albuquerque	
* PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
Prefix: Mr.	* First Name: Lawrence Middle Name:
* Last Name: Rael	Suffix:
* Title: Chief Administrative Office	
* SIGNATURE:	* DATE:

NARRATIVE STATEMENT (WORKPLAN)

Section 103 Direct Award for Enhancing Continuous Monitoring of PM_{2.5} and Other NAAQS Air Pollutants Work Plan Template

August 16, 2023

Name of Grantee: City of Albuquerque

Project Budget Period: August 1, 2022 – July 31, 2023

Amount of Funding Requested: \$115,000

Project Objectives and Alignment with EPA Strategic Plan:

The primary objective of this project is to enhance monitoring of PM_{2.5} or other National Ambient Air Quality Standard (NAAQS) pollutants in and near communities with environmental justice concerns who face disproportionate exposure to these pollutants and health risks which are also associated with increased vulnerability to COVID-19.

These funds will primarily be used to replace existing filter-based monitors or otherwise enhance existing monitors in and near those communities to provide 24/7, real-time reporting of air quality concentrations. Full automation of PM_{2.5} monitors will provide all communities fine particulate data of the same quality and allow them to compare continuous data streams in nearby areas. The funds may be used to address other considerations in and near communities with environmental justice concerns including upgrading other NAAQS pollutant monitoring sites, upgrading certain NAAQS gas monitors and/or equipment not meeting performance or completeness goals, and other possible PM monitoring investments.

This project supports EPA's Strategic Plan Goal 4 Ensure Clean and Healthy Air for All Communities (Protect human health and the environment from the harmful effects of air pollution) and Objective 4.1 Improve Air Quality and Reduce Localized Pollution and Health Impacts (Reduce air pollution on local, regional, and national scales to achieve healthy air quality for people and the environment). By enhancing air monitoring, this will assist in achieving and maintaining health-based air pollution standards to reduce the direct emission of particulate matter and other criteria air pollution from stationary and mobile sources that are protective of human health. The environmental outcome will be reduced incidences of respiratory illnesses including asthma and lung cancer and improved visibility in and near these communities.

Activities to Be Conducted:

As a recipient of this EPA grant, **City of Albuquerque** will:

1. Review and compare EPA proposed equipment for purchase and determine if any adjustments need to be made on enhancements at various air monitoring sites based on current needs. Consult with EPA about proposed changes/updates.
2. Prepare and initiate procurement request(s) for equipment purchase(s).
3. Purchase equipment.

4. Take delivery of equipment upon verification of functionality of equipment and move forward with payment of vendor invoices
5. Plan for timely set-up and installation of equipment consistent with the goal of enhancing air monitoring activities in EJ and underserved communities.

AQS Number	Description of Equipment	Location	Purpose	EJ Community Y/N?	Estimated Purchase Date	Estimated Date for installation to be completed and equipment operational	Will operation be covered by an existing QAPP/SOP, or is a new one Needed? List each	Estimated mo./year to submit QAPP/SOP to EPA (if applicable)	Estimated Date of Reporting Data to AQS
35-001-0029	T640X PM Sampler	South Valley Monitoring Station	PM Sampling	Y		1 st Quarter FY 2024	Yes	N/A	90 days after installation
35-001-1012, 35-001-0026, 35-001-0029	Network Switches	Foothills, Jefferson and South Valley Monitoring Stations	Improve communication with Data Acquisition System	Y, South Valley is an EJ Community		2 nd Quarter FY 2023	Yes	N/A	N/A

6. Submit quarterly progress reports electronically to EPA Project Officer within 30 days of end of quarterly reporting period. Reports are due as follows:
 - November 30, 2022 (August 2022 – October 2022)
 - February 28, 2023 (November 2022 – January 2023)
 - May 30, 2023 (February 2023 – April 2023)
 - August 30, 2023 (May 2023 – July 2023)
 - November 30, 2023 (August 2023 – October 2023)
 - February 28, 2024 (November 2023 – January 2024)
 - May 30, 2024 (February 2024 – April 2024)
 - August 30, 2024 (May 2024 – July 2024)
7. Submit final progress report electronically to EPA Project Officer within 120 days of project end date.

Outputs/Milestones:

- Reporting of expenditures of ARP funds via completion of procurement or taking delivery of air monitoring equipment for enhancing ambient air monitoring activities of PM2.5 or other National Ambient Air Quality Standard (NAAQS) pollutants consistent with stated goals and objectives for the use of American Rescue Plan funding.
- Reporting of status of setting up and installing of equipment to begin use of actual equipment as part air monitoring network sites.
- Reporting of draw down of federal funds upon delivery and acceptance of ARP funded equipment.

Outcomes:

- Operation of PM2.5 or other NAAQS pollutants air monitoring in accordance with all EPA requirements leading to collection of quality assured ambient air quality data to help ensure that more Americans are living and working in areas that meet high air quality standards.

BUDGET DETAIL

Provide a detailed narrative for each budget category outlined below in support of the work plan commitments. See below for a detailed description of the budget categories.

Budget Category	Federal	Subtotal
1. Supplies Indicate any items to be purchased that will be used in support of the work plan objectives. EPA policy defines supplies as a unit item that cost less than \$5,000.		0
2. Equipment Identify items to be purchased such as air quality related instruments used in support of work plan objectives. Provide estimated cost for each item. EPA policy defines equipment as items costing \$5,000 or greater.	\$115,000	\$115,000
3. Contractual Indicate any proposed contractual items that are reasonable and necessary to carry out the work plan objectives.		0
4. Other Indicate general (miscellaneous) expenses necessary to carry out objectives stated in the work plan.		0
Total Cost Indicate overall figure of all direct costs.	\$115,000	\$115,000

BUDGET DEFINITIONS

Equipment: Equipment means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

Supplies: Supplies means all tangible personal property other than those described in §200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life.

Contractual: Contractual services are those services directly related to the EPA program/project. Identify each proposed contract and specify its purpose, nature, period of performance and estimated cost. Do not include procurement contracts which are reflected in other object class categories such as equipment, supplies, etc. If funds allocated to this object class category include proposed expenditures not usually categorized as services to be procured at the marketplace, explanatory footnotes must be included. Provide the total cost for contracts.

Other: List each item of cost in sufficient detail for the EPA to determine its reasonableness and if it is allowable. Provide the Individual and total cost for other.

KEY CONTACTS FORM

EPA KEY CONTACTS FORM

Authorized Representative: *Original awards and amendments will be sent to this individual for review and acceptance, unless otherwise indicated.*

Name: Prefix: First Name: Middle Name:
Last Name: Suffix:
Title:
Complete Address:
Street1:
Street2:
City: State:
Zip / Postal Code: Country:
Phone Number: **Fax Number:**
E-mail Address:

Payee: *Individual authorized to accept payments.*

Name: Prefix: First Name: Middle Name:
Last Name: Suffix:
Title:
Complete Address:
Street1:
Street2:
City: State:
Zip / Postal Code: Country:
Phone Number: **Fax Number:**
E-mail Address:

Administrative Contact: *Individual from Sponsored Programs Office to contact concerning administrative matters (i.e., indirect cost rate computation, rebudgeting requests etc).*

Name: Prefix: First Name: Middle Name:
Last Name: Suffix:
Title:
Complete Address:
Street1:
Street2:
City: State:
Zip / Postal Code: Country:
Phone Number: **Fax Number:**
E-mail Address:

EPA KEY CONTACTS FORM

Project Manager: *Individual responsible for the technical completion of the proposed work.*

Name: Prefix: First Name: Middle Name:

Last Name: Suffix:

Title:

Complete Address:

Street1:

Street2:

City:

State:

Zip / Postal Code:

Country:

Phone Number:

Fax Number:

E-mail Address:

INTERGOVERNMENTAL REVIEW



Mid-Region Council of Governments

Dewey V. Cave
Executive Director

April 19, 2022

Debbie O'Malley
Chair, Board of Directors
Commissioner, Bernalillo County

Dwayne Salisbury
Environmental Health Manager
Air Quality Programs
Albuquerque Environmental Health Department
11850 Sunset Gardens SW
Albuquerque, New Mexico 87121

MEMBER GOVERNMENTS

City of Albuquerque
Albuquerque Public Schools
Albuquerque Metropolitan
Arroyo Flood Control
Authority
City of Belen
Bernalillo County
Town of Bernalillo
Village of Bosque Farms
Village of Corrales
Village of Cuba
Town of Edgewood
Village of Encino
Town of Estancia
Village of Jemez Springs
Laguna Pueblo
Village of Los Lunas
Los Lunas Schools
Village of Los Ranchos
de Albuquerque
Middle Rio Grande
Conservancy District
City of Moriarty
Town of Mountainair
Town of Peralta
City of Rio Communities
City of Rio Rancho
Rio Rancho Public Schools
Sandoval County
Southern Sandoval
County Arroyo Flood
Control Authority
Village of Tijeras
Torrance County
Valencia County
Village of Willard

Re: City of Albuquerque – American Rescue Plan Grant – City of Albuquerque CDFA Number 66.034 - DUNNS Number 94-9437065

Dear Mr. Salisbury,

On behalf of the Mid-Region Council of Governments (MRCOG), I would like to give the City of Albuquerque my strong support for its application for federal assistance for the Albuquerque/Bernalillo County American Rescue Plan (APR) Grant.

This funding will support the City of Albuquerque's Air Quality Program's important work of continuing to monitor fine particulate matter in Bernalillo County. This will specifically allow for the purchase of needed equipment to enhance monitoring which will benefit the residents of the MRCOG Region.

Please let me know if the MRCOG can provide additional support.

Sincerely,

Dewey V. Cave
Executive Director

DC/PS

MINORITY AND WOMEN OWNED BUSINESS



State of New Mexico
ENVIRONMENT DEPARTMENT



Office of the Secretary

SUSANA MARTINEZ
Governor

Harold Runnels Building
1190 Saint Francis Drive, PO Box 5469
Santa Fe, NM 87502-5469

RYAN FLYNN
Cabinet Secretary

JOHN A. SANCHEZ
Lieutenant Governor

Telephone (505) 827-2855 Fax (505) 827-2836
www.env.nm.gov

BUTCH TONGATE
Deputy Secretary

December 18, 2015

Ms. Debora Bradford
EPA, Region 6
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Dear Ms. Bradford,

Enclosed you will find our Fiscal Year 2016 Minority and Women Owned Business (MBE/WBE) Fair Share Negotiations percentage and supporting documentation. Based on the current availability of census data, we are requesting the percentages be adjusted to reflect those businesses with employees. The census bureau has updating their 2012 Survey of Business Owners information which was made available December 15, 2015.

The percentages determined by the 2012 Survey of Business Owner are as follows:

	<u>MBE (%)</u>	<u>WBE (%)</u>
Construction	34.39%	11.02%
Manufacturing	18.87%	15.40%
Retail Trade	19.46%	21.15%
Service	33.88%	21.72%

If you have you questions, please feel free to call me at (505) 827-0381.

Sincerely,

David J. Roybal
Budget/Grant Director