

§ 35.001

40 CFR Ch. I (7-1-00 Edition)

REPORTS REQUIRED UNDER A COOPERATIVE AGREEMENT

AUTHORITY: 42 U.S.C. 4368b.

- 35.6650 Quarterly progress reports.
- 35.6655 Notification of significant developments.
- 35.6660 Property inventory reports.
- 35.6665 Procurement reports.
- 35.6670 Financial reports.

§ 35.001 Applicability.

This part codifies policies and procedures for financial assistance awarded by the Environmental Protection Agency to State, interstate, and local agencies for pollution abatement and control programs. These provisions supplement the EPA general assistance regulations in 40 CFR part 30.

RECORDS REQUIREMENTS UNDER A COOPERATIVE AGREEMENT

[47 FR 44954, Oct. 12, 1982]

- 35.6700 Project records.
- 35.6705 Records retention.
- 35.6710 Records access.

OTHER ADMINISTRATIVE REQUIREMENTS FOR COOPERATIVE AGREEMENTS

Subpart A—Financial Assistance for Continuing Environmental Programs

- 35.6750 Modifications.
- 35.6755 Monitoring program performance.
- 35.6760 Enforcement and termination for convenience.
- 35.6765 Non-Federal audit.
- 35.6770 Disputes.
- 35.6775 Exclusion of third-party benefits.
- 35.6780 Closeout.
- 35.6785 Collection of amounts due.
- 35.6790 High risk recipients.

AUTHORITY: Secs. 105 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7405 and 7601(a)); Secs. 106, 205(g), 205(j), 208, 319, 501(a), and 518 of the Clean Water Act, as amended (33 U.S.C. 1256, 1285(g), 1285(j), 1288, 1361(a) and 1377); secs. 1443, 1450, and 1451 of the Safe Drinking Water Act (42 U.S.C. 300j-2, 300j-9 and 300j-11); secs. 2002(a) and 3011 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6912(a), 6931, 6947, and 6949); and secs. 4, 23, and 25(a) of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136(b), 136(u) and 136w(a)).

REQUIREMENTS FOR ADMINISTERING A SUPERFUND STATE CONTRACT (SSC)

SOURCE: 47 FR 44954, Oct. 12, 1982, unless otherwise noted.

- 35.6800 General.
- 35.6805 Contents of an SSC.
- 35.6815 Administrative requirements.
- 35.6820 Conclusion of the SSC.

Subpart P—Financial Assistance for the National Estuary Program

§ 35.100 Purpose.

- 35.9000 Applicability.
- 35.9005 Purpose.
- 35.9010 Definitions.
- 35.9015 Summary of annual process.
- 35.9020 Planning targets.
- 35.9030 Work program.
- 35.9035 Budget period.
- 35.9040 Application for assistance.
- 35.9045 EPA action on application.
- 35.9050 Assistance amount.
- 35.9055 Evaluation of recipient performance.
- 35.9060 Maximum Federal share.
- 35.9065 Limitations.
- 35.9070 National program assistance agreements.

This subpart establishes in §§35.100 through 35.199 uniform administrative requirements and procedures for financial assistance to State, interstate, and local agencies for continuing environmental programs. Sections 35.200 through 35.899 establish the assistance requirements unique to each program and cross reference regulations containing substantive program requirements.

Subpart Q—General Assistance Grants to Indian Tribes

§ 35.105 Definitions.

- 35.10000 Authority.
- 35.10005 Purpose and scope.
- 35.10010 Definitions.
- 35.10015 Eligible recipients.
- 35.10020 Eligible activities.
- 35.10025 Limitations.
- 35.10030 Grant management.
- 35.10035 Procurement under general assistance agreements.

Allotment. An amount representing a State's share of funds requested in the President's budget or appropriated by Congress for an environmental program, as EPA determines after considering any factors indicated by this regulation. The allotment is not an entitlement but rather the objective basis for determining the range for a State's planning target.

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Continuation award. Any assistance award after the first award to a State, interstate, or local agency for a continuing environmental program.

Continuing environmental programs. Those pollution control programs which will not be completed within a definable time period.

Eligible Indian Tribe means:

(1) For purposes of the Clean Water Act, any federally recognized Indian Tribe that meets the requirements set forth at 40 CFR 130.6(d); and

(2) For purposes of the Clean Air Act, any federally recognized Indian Tribe that meets the requirements set forth at § 35.220.

Federal Indian reservation means for purposes of the Clean Water Act or the Clean Air Act, all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation.

Indian Tribe means:

(1) Within the context of the Public Water System Supervision and Underground Water Source Protection grants, any Indian Tribe having a federally recognized governing body carrying out substantial governmental duties and powers over a defined area.

(2) For purposes of the Clean Water Act, any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian reservation.

(3) For purposes of the Clean Air Act, any Indian Tribe, band, nation, or other organized group or community, including any Alaskan Native Village, which is federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Output. An activity or product which the applicant agrees to complete during the budget period.

Planning target. The amount of Federal financial assistance which the Regional Administrator suggests that an applicant consider in developing its application and work program.

Program element. One of the major groupings of outputs of a continuing

environmental program (e.g., administration, enforcement, monitoring).

Recurrent expenditures, except for the purposes of section 105 of the Clean Air Act (See §35.201), means those expenditures associated with the activities of a continuing environmental program. All expenditures, except those for equipment purchases with a unit acquisition cost of \$5,000 or more, are considered recurrent unless justified by the applicant as unique and approved as such by the Regional Administrator in the assistance award.

Reserve. A portion of the State's construction grant allotment which the State proposes to set aside to use for construction or permit program management or water quality management planning activities.

State means within the context of Public Water Systems Supervision and Underground Water Source Protection grants or of financial assistance programs under the Clean Water Act, one of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territories of the Pacific Islands or an eligible Indian Tribe.

Work program. The document which identifies how and when the applicant will use program funds to produce specific outputs.

[47 FR 44954, Oct. 12, 1982, as amended at 53 FR 37408, Sept. 26, 1988; 54 FR 14357, Apr. 11, 1989; 59 FR 13817, Mar. 23, 1994; 60 FR 371, Jan. 4, 1995; 63 FR 7270, Feb. 12, 1998]

§ 35.110 Summary of annual process.

(a) EPA considers various factors to allot among the States the funds requested in the President's budget for each financial assistance program, except for those related to construction grants, for which Congress determines the allotments. From its construction grant allotment, the State proposes reserves for State administration and water quality management planning. The Regional Administrator issues a planning target for each program to each applicant based on the reserves and allotments.