

(7) *Compliance monitoring and enforcement.* A State or Tribal lead-based paint compliance and enforcement program must demonstrate, in its application for approval, that it is in a position to implement a compliance monitoring and enforcement program. Such a compliance monitoring and enforcement program must ensure correction of violations, and encompass either planned and/or responsive lead-based paint compliance inspections and development/issuance of State or Tribal enforcement responses which are appropriate to the violations.

(d) *Summary on Progress and Performance.* The Summary on Progress and Performance described below is part of the required elements for the compliance and enforcement program portion of a State or Tribal lead-based paint program. A State or Tribal lead-based paint compliance and enforcement program must submit to the appropriate EPA Regional Administrator a report which summarizes the results of implementing the State or Tribal lead-based paint compliance and enforcement program, including a summary of the scope of the regulated community within the State or Indian Tribe (which would include the number of individuals and firms certified in lead-based paint activities and the number of training programs accredited), the inspections conducted, enforcement actions taken, compliance assistance provided, and the level of resources committed by the State or Indian Tribe to these activities. The report shall be submitted according to the requirements at § 745.324(h).

(e) *Memorandum of Agreement.* An Indian Tribe that obtains program approval must establish a Memorandum of Agreement with the Regional Administrator. The Memorandum of Agreement shall be executed by the Indian Tribe's counterpart to the State Director (e.g., the Director of Tribal Environmental Office, Program or Agency). The Memorandum of Agreement must include provisions for the timely and appropriate referral to the Regional Administrator for those criminal enforcement matters where that Indian Tribe does not have the authority (e.g., those addressing criminal

violations by non-Indians or violations meriting penalties over \$5,000). The Agreement must also identify any enforcement agreements that may exist between the Indian Tribe and any State.

§ 745.330 Grants.

(a) The Administrator may make grants to States and Indian Tribes, under section 404(g) of TSCA to develop and, if authorized, carry out lead-based paint activities programs to ensure that individuals employed in lead-based paint activities are properly trained; that training programs are accredited; and that contractors employed in such activities are certified, pursuant to this subpart. The Administrator may treat a tribe as eligible to apply for a TSCA section 404(g) grant if the tribe:

(1) Is recognized by the Secretary of Interior.

(2) Has an existing government exercising substantial governmental duties and powers.

(3) Has adequate authority to carry out the grant activities.

(4) Is reasonably expected to be capable, in the Administrator's judgment, of administering the grant program.

(b) If the Administrator has previously determined that an Indian tribe has met the prerequisites in paragraphs (a)(1) and (a)(2) of this section for another EPA program, the tribe need provide only that information unique to the TSCA section 404(g) grant program required by paragraphs (a)(3) and (a)(4) of this section. Grants made under this section are subject to the requirements of part 31 of this chapter.

[63 FR 41432, Aug. 4, 1998]

§ 745.339 Effective dates.

States and Indian Tribes may seek authorization to administer and enforce subpart L pursuant to this subpart effective October 28, 1996.

PART 747—METALWORKING FLUIDS

Subpart A [Reserved]