

## Environmental Protection Agency

## § 35.210

### PUBLIC WATER SYSTEM SUPERVISION (SECTION 1443(a))

### UNDERGROUND WATER SOURCE PROTECTION (SECTION 1443(b))

#### § 35.170 Purpose.

(a) *Purpose of section.* Sections 35.170 through 35.178 govern Public Water System Supervision Grants to States (as defined in section 1401 (13)(A) of the Safe Drinking Water Act) authorized under section 1443(a) of the Act.

(b) *Purpose of program.* Public Water System Supervision Grants are awarded to carry out public water system supervision programs including implementation and enforcement of the requirements of the Act that apply to public water systems.

(c) *Associated program regulations.* Associated program regulations are found in 40 CFR parts 141, 142, and 143.

#### § 35.172 Allotment.

(a) *Basis for allotment.* The Administrator allots funds for grants to support States' Public Water System Supervision programs based on each State's population, geographic area, numbers of community and non-community water systems, and other relevant factors.

(b) *Allotment limitation.* No State, except American Samoa, Guam, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, shall be allotted less than \$334,500 (which is one percent of the FY 1989 appropriation).

#### § 35.175 Maximum federal share.

The Regional Administrator may provide a maximum of 75 percent of the State's approved work plan costs.

#### § 35.178 Award limitations.

(a) *Initial grants.* The Regional Administrator will not make an initial award unless the applicant has an approved Public Water System Supervision program or agrees to establish an approvable program within one year of the initial award.

(b) *Subsequent grants.* The Regional Administrator will not award a grant to a State after the initial award unless the applicant has assumed and maintained primary enforcement responsibility for the State's Public Water System Supervision program.

#### § 35.190 Purpose.

(a) *Purpose of section.* Sections 35.190 through 35.198 govern Underground Water Source Protection Grants to States (as defined in section 1401(13)(A) of the Safe Drinking Water Act) authorized under section 1443(b) of the Act.

(b) *Purpose of program.* The Underground Water Source Protection Grants are awarded to carry out underground water source protection programs.

(c) *Associated program regulations.* Associated program regulations are found in 40 CFR 124, 144, 145, 146, and 147.

#### § 35.192 Basis for allotment.

The Administrator allots funds for grants to support State's underground water source protection programs based on such factors as population, geographic area, extent of underground injection practices, and other relevant factors.

#### § 35.195 Maximum federal share.

The Regional Administrator may provide a maximum of 75 percent of a State's approved work plan costs.

#### § 35.198 Award limitation.

The Regional Administrator will only award section 1443(b) funds to States that have primary enforcement responsibility for the underground water source protection program.

### HAZARDOUS WASTE MANAGEMENT (SECTION 3011(a))

#### § 35.210 Purpose.

(a) *Purpose of section.* Sections 35.210 through 35.218 govern Hazardous Waste Management Grants to States (as defined in section 1004 of the Solid Waste Disposal Act) under section 3011(a) of the Act.

(b) *Purpose of program.* Hazardous Waste Management Grants are awarded to assist States in the development and implementation of authorized State hazardous waste management programs.

(c) *Associated program regulations.* Associated program regulations are at 40

**§ 35.212**

**40 CFR Ch. I (7–1–14 Edition)**

CFR part 124, subparts B, E, and F; 40 CFR parts 260 through 266; 40 CFR parts 268 through 273; and 40 CFR part 279.

**§ 35.212 Basis for allotment.**

The Administrator allots funds for Hazardous Waste Management Grants in accordance with section 3011(b) of the Solid Waste Disposal Act based on factors including:

- (a) The extent to which hazardous waste is generated, transported, treated, stored, and disposed of in the State;
- (b) The extent to which human beings and the environment in the State are exposed to such waste, and;
- (c) Other factors the Administrator deems appropriate.

**§ 35.215 Maximum federal share.**

The Regional Administrator may provide up to 75 percent of the approved work plant costs.

**§ 35.218 Award limitation.**

The Regional Administrator will not award Hazardous Waste Management Grants to a State with interim or final hazardous waste authorization unless the applicant is the lead agency designated in the authorization agreement.

PESTICIDE COOPERATIVE ENFORCEMENT  
(SECTION 23(a)(1))

**§ 35.230 Purpose.**

(a) *Purpose of section.* Sections 35.230 through 35.235 govern Pesticide Enforcement Cooperative Agreements to States (as defined in section 2 of Federal Insecticide, Fungicide, and Rodenticide Act) under section 23(a)(1) of the Act.

(b) *Purpose of program.* Pesticides Enforcement Cooperative Agreements are awarded to assist States to implement pesticide enforcement programs.

(c) *Program regulations.* Associated program regulations are at 40 CFR parts 150 through 189 and 19 CFR part 12.

**§ 35.232 Basis for allotment.**

(a) *Factors for FIFRA enforcement program funding.* The factors considered in allotment of funds for enforcement of FIFRA are:

- (1) The State's population,
- (2) The number of pesticide-producing establishments,
- (3) The numbers of certified private and commercial pesticide applicators,
- (4) The number of farms and their acreage, and
- (5) As appropriate, the State's potential farm worker protection concerns.

(b) *Final allotments.* Final allotments are negotiated between each State and the appropriate Regional Administrator.

**§ 35.235 Maximum federal share.**

The Regional Administrator may provide up to 100 percent of the approved work plan costs.

PESTICIDE APPLICATOR CERTIFICATION  
AND TRAINING (SECTION 23(a)(2))

**§ 35.240 Purpose.**

(a) *Purpose of section.* Sections 35.240 through 35.245 govern Pesticide Applicator Certification and Training Grants to States (as defined in section 2 of Federal Insecticide, Fungicide, and Rodenticide Act) under section 23(a)(2) of the Act.

(b) *Purpose of program.* Pesticide Applicator Certification and Training Grants are awarded to train and certify restricted use pesticide applicators.

(c) *Associated program regulations.* Associated program regulations are found in 40 CFR parts 162, 170, and 171.

**§ 35.242 Basis for allotment.**

The Regional Administrator considers two factors in allotting pesticides applicator certification and training funds:

- (a) The number of farms in each State; and
- (b) The numbers of private and commercial applicators requiring certification and recertification in each State.

**§ 35.245 Maximum federal share.**

The Regional Administrator may provide up to 50 percent of the approved work plan costs.