

**§ 35.700**

**40 CFR Ch. I (7-1-04 Edition)**

as eligible to apply for a Lead-Based Paint Program grant if the Tribe or each member of the Intertribal Consortium:

- (1) Is recognized by the Secretary of the Interior;
  - (2) Has an existing government exercising substantial governmental duties and powers;
  - (3) Has adequate authority to carry out the grant activities; and
  - (4) Is reasonably expected to be capable, in the Regional 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 (2) of this section for another EPA program, the Tribe need provide only that information unique to the Lead-Based Paint Program required by paragraphs (b)(3) and (4) of this section.

INDOOR RADON GRANTS (SECTION 306)

**§ 35.700 Purpose.**

(a) *Purpose of section.* Sections 35.700 through 35.708 govern Indoor Radon Grants to Tribes and Intertribal Consortia under section 306 of the Toxic Substances Control Act.

(b) *Purpose of program.* (1) Indoor Radon Grants are awarded to assist Tribes and Intertribal Consortia with the development and implementation of programs that assess and mitigate radon and that aim at reducing radon health risks. Indoor Radon Grant funds may be used for the following eligible activities.

- (i) Survey of radon levels, including special surveys of geographic areas or classes of buildings (such as public buildings, school buildings, high-risk residential construction types);
- (ii) Development of public information and education materials concerning radon assessment, mitigation, and control programs;
- (iii) Implementation of programs to control radon on existing and new structures;
- (iv) Purchase, by the Tribe or Intertribal Consortium of radon measurement equipment and devices;
- (v) Purchase and maintenance of analytical equipment connected to radon

measurement and analysis, including costs of calibration of such equipment;

- (vi) Payment of costs of Environmental Protection Agency-approved training programs related to radon for permanent Tribal employees;
- (vii) Payment of general overhead and program administration costs;
- (viii) Development of a data storage and management system for information concerning radon occurrence, levels, and programs;
- (ix) Payment of costs of demonstration of radon mitigation methods and technologies as approved by EPA, including Tribal and Intertribal Consortia participation in the Environmental Protection Agency Home Evaluation Program; and
- (x) A toll-free radon hotline to provide information and technical assistance.

(2) In implementing paragraphs (b)(1)(iv) and (ix) of this section, a Tribe or Intertribal Consortia should make every effort, consistent with the goals and successful operation of the Tribal Indoor Radon program, to give preference to low-income persons.

**§ 35.702 Basis for allotment.**

(a) The Regional Administrator will allot Indoor Radon Grant funds based on the criteria in EPA guidance in accordance with section 306(d) and (e) of the Toxic Substances Control Act.

(b) No Tribe or Intertribal Consortium may receive an Indoor Radon Grant in excess of 10 percent of the total appropriated amount made available each fiscal year.

**§ 35.703 Eligible recipients.**

(a) The Regional Administrator will treat a Tribe or Intertribal Consortium as eligible to apply for an Indoor Radon Grant if the Tribe or each member of the Intertribal Consortium:

- (1) Is recognized by the Secretary of the Interior;
- (2) Has an existing government exercising substantial governmental duties and powers;
- (3) Has adequate authority to carry out the grant activities; and,
- (4) Is reasonably expected to be capable, in the Regional Administrator's judgment, of administering the grant program.