

Environmental Protection Agency

§ 35.935-12

elements of step 3 construction has not occurred within 12 months of the award for the step 3 project (or approval of plans and specifications, in the case of a step 2=3 project). (See definition of "initiation of construction" under "construction" in §35.905.) However, the Regional Administrator may defer (in writing) the annulment or termination for not more than 6 additional months if:

- (1) The grantee has applied for and justified the extension in writing to the Regional Administrator;
- (2) The grantee has given written notice of the request for extension to the NPDES permit authority;
- (3) The Regional Administrator determines that there is good cause for the delay in initiation of project construction; and
- (4) The State agency concurs in the extension.

§ 35.935-10 Copies of contract documents.

In addition to the notification of project changes under §30.900 of this chapter, a grantee must promptly submit to the Regional Administrator a copy of any prime contract or modification of it and of revisions to plans and specifications.

§ 35.935-11 Project changes.

(a) In addition to the notification of project changes required under §30.900-1 of this chapter, the Regional Administrator's and (where necessary) the State agency's prior written approval is required for:

- (1) Project changes which may—
 - (i) Substantially alter the design and scope of the project;
 - (ii) Alter the type of treatment to be provided;
 - (iii) Substantially alter the location, size, capacity, or quality of any major item of equipment; or
 - (iv) Increase the amount of Federal funds needed to complete the project.

However, prior EPA approval is not required for changes to correct minor errors, minor changes, or emergency changes; and

- (2) Subagreement amendments amounting to more than \$100,000 for which EPA review is required under §§ 35.937-6(b) and 35.938-5 (d) and (g).

(b) No approval of a project change under §30.900 of this chapter shall obligate the United States to any increase in the amount of the grant or grant payments unless a grant increase is also approved under §35.955. This does not preclude submission or consideration of a request for a grant amendment under §30.900-1 of this chapter.

§ 35.935-12 Operation and maintenance.

(a) The grantee must make provision satisfactory to the Regional Administrator for assuring economic and effective operation and maintenance of the treatment works in accordance with a plan of operation approved by the State water pollution control agency or, as appropriate, the interstate agency.

(b) As a minimum, the plan shall include provision for:

- (1) An operation and maintenance manual for each facility;
- (2) An emergency operating and response program;
- (3) Properly trained management, operation and maintenance personnel;
- (4) Adequate budget for operation and maintenance;
- (5) Operational reports;
- (6) Provisions for laboratory testing and monitoring adequate to determine influent and effluent characteristics and removal efficiencies as specified in the terms and conditions of the NPDES permit;
- (7) An operation and maintenance program for the sewer system.

(c) Except as provided in paragraphs (d) and (e) of this section, the Regional Administrator shall not pay—

- (1) More than 50 percent of the Federal share of any step 3 project unless the grantee has furnished a draft of the operation and maintenance manual for review, or adequate evidence of timely development of such a draft; or
- (2) More than 90 percent of the Federal share unless the grantee has furnished a satisfactory final operation and maintenance manual.

(d) In projects where segmenting of an operable treatment works has occurred, the Regional Administrator shall not pay—