

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Short-Term Financial Assistance for States
Expected to Receive Authorization Before
January 1, 1981

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TO: PIGS Addressees

ISSUE:

In order to provide financial assistance to those States where the Region expects to issue interim authorization after November 19, 1980, but before January 1, 1981, is it necessary to execute a complete Cooperative Arrangement?

DISCUSSION:

The situation is likely to arise where a State has submitted a complete interim authorization application, the Regional Office expects to issue authorization before January 1, 1981, but authorization will not be issued until after November 19, 1980. Such a State could enter into a Cooperative Arrangement with the Region in order to obtain Federal funds and to aid in implementing the Federal program. (Note that the FY'81 RCRA Guidance provides on page 7 that where nonauthorized States desire financial assistance they must enter into Cooperative Arrangements).

However, there would appear to be little, if any, benefit in completing the documentation associated with a Cooperative Arrangement in such a situation since: (1) the documentation would be applicable for a relatively short period of time and (2) some of the required documentation would be very similar to that already submitted in the State's authorization application.

DECISION:

Where a State desires financial assistance and the Region expects to authorize the State's program after November 19, 1980, but before January 1, 1981, it is desirable to reduce the burden of documentation.

To this end, financial assistance can be provided without entering into a Cooperative Arrangement provided that:

- (1) The State and Regional Office jointly execute a document which delineates the respective roles, responsibilities, and activities of the two entities during the period between the date of execution and the date on which interim authorization is issued. The Region must be assured that the State has authority to perform those activities which it would undertake (e.g., a signed statement from the Attorney General). (Note that implementation of the Federal program will begin November 19, 1980, and there is no "grace period" during which implementation is delayed pending issuance of authorization to a State.) and
- (2) The cooperative agreement (grant) expressly provides that financial assistance will automatically terminate on January 1, 1981, unless the State has, by that date, been issued interim authorization or entered into a Cooperative Arrangement.