

US EPA ARCHIVE DOCUMENT

**SECTION X
APPENDICES**

**F. MEMORANDUM OF UNDERSTANDING BETWEEN DEP'S
DIVISION OF WATER AND WASTE MANAGEMENT AND
DIVISION OF LAND RESTORATION**

**MEMORANDUM OF UNDERSTANDING BETWEEN THE
WEST VIRGINIA DIVISION OF LAND RESTORATION
AND
WEST VIRGINIA DIVISION OF WATER AND WASTE MANAGEMENT
YEAR 2012**

THIS MEMORANDUM OF UNDERSTANDING, ("MOU"), made by and between the **WEST VIRGINIA DIVISION OF LAND RESTORATION**, ("DLR") and the **WEST VIRGINIA DIVISION OF WATER AND WASTE MANAGEMENT**, ("DWWM"), is effective March 1, 2012 and shall remain in effect until superseded or amended in writing.

WHEREAS, DWWM is the statutorily designated lead agency for the West Virginia Hazardous Waste Management Program (HWMP) implemented under the West Virginia Hazardous Waste Management Act (HWMA), at WV Code 22-18-1 to 25, and is responsible for coordinating the HWMP. The States' authority to adopt Federal regulations by reference is provided by the HWMA at WV Code 22-1-3(c) which authorizes the promulgation of the 33 CSR 20, the West Virginia Hazardous Waste Management System (HWMS).

WHEREAS, DWWM at 33 CSR 20, has responsibility under the HWMA to implement regulatory aspects of the HWMP governing RCRA Corrective Action at hazardous waste sites in the State, including the responsibility to make inspections, promulgate and enforce rules, and enforce program requirements, DLR at 60 CSR 3 has responsibility under the VRRRA to evaluate the technical aspects of proposed remedial activities.

NOW THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the mutual promises and understanding set forth hereafter, the parties hereto agree to share the responsibilities regarding implementation of the HWMA and its Federal counterpart, the Resource Conservation and Recovery Act, ("RCRA"), Subtitle C, as follows:

1. Corrective Action Permits or Corrective Action Permit Modules:

- a. DLR will provide oversight regarding corrective action for facilities that have a corrective action permit only and do not have a RCRA operating permit.
- b. DWWM will provide oversight for a facility that has an existing RCRA operating permit and has a corrective action module. DLR will provide oversight of the corrective action module.
- c. DWWM will provide oversight for a facility that has a proposed RCRA operating permit and a corrective action module. DLR will provide the corrective action module and oversight of the module.

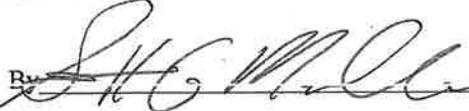
2. Financial Assurance modules:

- a. DWWM will manage the financial assurance module for those facilities that have a RCRA operating permit.
- b. DWWM will manage the financial assurance modules for those facilities that have a proposed RCRA operation permit and a corrective action module once the cost estimate is provided by the DLR.

- c. The DLR will manage the financial assurance for those facilities that have a corrective action permit only.
3. Both the DWWM and DLR will provide data and completed forms to be entered into the RCRAInfo database dependent on the group that is managing the permit, corrective action or financial assurance.
 - a. All written documents, letters, memorandums, etc. pertaining to a hazardous waste corrective action, financial assurance, or permit must be filed in the hazardous waste file room.
 - b. RCRAInfo forms must be completed and submitted to the Program Support section within 30 days of the permit, corrective actions, or financial assurance activity.
 - c. Ensure that the RCRAInfo reporting forms are complete with all information pertinent to the activity. Forms are available from the Program Support section.
4. DLR and DWWM agree to work together to implement the correct action and financial assurance components of the HWMP and agree to undertake activities to enable the State to retain EPA authorization of the equivalent RCRA Program. Each division is committed to providing the other with as much support and assistance as is practicable.
5. DLR and the DWWM agree to abide by all HWMP specified public notice and comment procedures regarding implementation of the agreement.
6. DLR and DWWM agree that this Memorandum of Understanding in no way abrogates the authority of the USEPA regarding the Resource Conservation and Recovery Act.

IN WITNESS WHEREOF, the parties hereto cause their names to be signed by the proper officials duly authorized to execute this MOU.

DIVISION OF WATER AND WASTE MANAGEMENT (DWWM)

By  _____
Scott Mandirola, Director

DIVISION OF LAND RESTORATION (DLR)

By  _____
Ken Ellison, Director