

US EPA ARCHIVE DOCUMENT

MEMORANDUM OF AGREEMENT
BETWEEN
THE DISTRICT OF COLUMBIA
AND
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

I. GENERAL

This Memorandum of Agreement (hereinafter "Agreement") establishes policies, responsibilities, and procedures pursuant to 40 CFR 271.8 for the District of Columbia Hazardous Waste Program (hereinafter "District") authorized under Section 3006 of the Resource Conservation and Recovery Act (hereinafter "RCRA" or "the Act") of 1976 (Public Law 94-580, 42 USC §6901 et seq.) and the United States Environmental Protection Agency (hereinafter EPA) Regional Office for Region III. This Agreement further sets forth the manner in which the District and EPA will coordinate in the District administration of its program.

This Agreement is entered into by the Director of the Department of Consumer and Regulatory Affairs (hereinafter "Director" or "the District") and the Regional Administrator, EPA Region III (hereinafter "Regional Administrator" or "EPA").

Nothing in this Agreement shall be construed to restrict in any way EPA's authority to fulfill its oversight and enforcement responsibilities under RCRA. Nothing in this Agreement shall be construed to contravene any provision of 40 CFR Part 271. The parties will review the Agreement jointly at least once a year (and other times as appropriate) during preparation of the annual District Grant Work Program (hereinafter "State Work Program"), in connection with grant funding under Section 3011 of RCRA.

This Agreement may be modified upon the initiative of either party in order to ensure consistency with District program modifications made, or for any other purpose, mutually agreed upon. Any revisions or modifications must be in writing and must be signed by the District and the Regional Administrator.

This Agreement will remain in effect until such time as District program authorization is withdrawn by or is voluntarily transferred to EPA according to the criteria and procedures established in 40 CFR §271.22 and 40 CFR §271.23.

This Agreement shall be executed by the District and the Regional Administrator and shall become effective at the time the District's authorization takes effect, which shall be two weeks after the date of publication in the Federal Register of EPA's decision to grant authorization to the District.

II. POLICY STATEMENT

Each of the parties to this Agreement is responsible for ensuring that its obligations under RCRA are met. Upon granting final authorization by EPA, the District assumes primary responsibility for implementing the RCRA hazardous waste program within its boundaries. EPA retains its responsibility to ensure full and faithful execution of the requirements of RCRA, including direct implementation in the event the District is unable to act. The District and the Regional Administrator agree to maintain a high level of cooperation and coordination between their respective staffs in a partnership to assure successful and effective administration of the District program.

EPA assumes an oversight role upon granting final authorization to the District. EPA will oversee District program implementation in order to ensure full execution of the requirements of RCRA, to promote national consistency in implementation of the hazardous waste program, to allow EPA to report to the President and Congress on the achievements of the hazardous waste program, and to encourage States and the EPA to agree on desirable technical support and targets for joint efforts to prevent and mitigate environmental problems associated with the improper management of hazardous wastes. Oversight will be accomplished by EPA through written reporting requirements, permit overview, compliance and enforcement overview, quarterly and semi-annual review of States' programs.

The District agrees that it will not exercise its authority provided in Section 7 of D. C. Law 2-64, to grant variances from the provisions of the District Hazardous Waste Management Regulations, unless such variances are specifically provided for by regulation and the result of such variance will not conflict with the requirements that the program remain equivalent to the Federal program, be consistent with the programs applicable in other States, and that it provide adequate enforcement of compliance with the requirements of RCRA. Should such variances be granted, the District agrees to notify EPA of the variances.

III. STATE PROGRAM REVIEW

A. General

The Regional Administrator will assess the District administration and enforcement of the hazardous waste program on a continuing basis for equivalence and consistency with RCRA, with this Agreement, and with

all applicable Federal requirements and policies and for adequacy of enforcement. This assessment will be accomplished by EPA review of information submitted by the District in accordance with this Agreement and the District work Program, permit overview, compliance and enforcement overview, quarterly and semi-annual review of District program activities. The Regional Administrator may also consider, as part of this regular assessment, written comments about the District program administration and enforcement that are received from regulated persons, the public, and Federal, District and local agencies. Copies of any such comments received by the Regional Administrator will be provided to the District.

To ensure effective program review, the District agrees to allow EPA access to all files and other information requested by the Regional Administrator and deemed necessary for reviewing District program administration and enforcement.

Review of Department of Consumer and Regulatory Affairs files will normally be scheduled at quarterly intervals; however, DCRA agrees to allow EPA access to specific files more frequently as warranted, i.e., enforcement actions. Program review meetings between the District and the Regional Administrator or their assignees will be scheduled at reasonable intervals not less than annually to review specific operating procedures and schedules, to resolve problems and to discuss mutual program concerns. These meetings will be scheduled at least fifteen days in advance unless agreed to differently. A tentative agenda for the meeting will be prepared by EPA.

The District agrees to furnish EPA copies of all delisting petitions that it receives directly from the petitioners. Prior to any decision or delisting, D. C. will solicit and receive concurrence from EPA for its action in accordance with PIG 82-4 to ensure that the District's program remains equivalent to the Federal program.

B. Identification of Major Hazardous Waste Handlers

The District agrees to develop with EPA a list of hazardous waste facilities, generators and transporters in the District designated as "major" hazardous waste handlers. This designation is intended to identify, for administrative purposes, environmentally significant hazardous waste handlers,

and to be used in concentrating inspection, permitting and reporting resources on those handlers. The list shall be submitted as part of this Agreement. It shall be reviewed and updated annually and more often as necessary. Changes to the list do not require a formal amendment to this Agreement so long as both the District and EPA agree in writing to any change.

From the list of "major" handlers the District agrees to develop and annually review with the Regional Administrator a list of facilities whose permit applications and draft permits will be reviewed by EPA. This smaller list constitutes major facilities for purposes of EPA permit overview.

The issuance of permits will be in accordance with the same priorities.

IV. INFORMATION SHARING

A. General

As the national hazardous waste program matures, the respective roles and responsibilities in this District/Federal partnership will become clearer. As the respective information needs of the District and EPA evolve, changes to this section of the Agreement may be appropriate. During the annual review of this Agreement the District and the Regional Administrator will carefully examine the following information sharing provisions for needed revision.

B. EPA

1. EPA will keep the District informed of the content and meaning of Federal statutes, regulations, guidelines, standards, policy decisions, directives, and any other factors that affect the District Program. EPA will also provide general technical guidance to the District. EPA will share with the District any national reports developed by EPA from the data submitted through District reporting requirements.
2. EPA agrees to provide the District notification information from EPA Form 8700-12 obtained prior to the effective date of this Agreement. A copy of the original notification forms and/or a

computer printout containing all the notification information will be provided. Such information will be provided to the Director within thirty days of the effective date of this Agreement. EPA will also forward, on a monthly basis, notification information (including newly assigned EPA identification numbers) submitted by persons in the District who file such forms after the effective date of this Agreement. This information will be submitted to the Director within ten days of the end of each month for the preceding month.

3. EPA agrees to assign EPA identification numbers to generators and transporters and to owners and operators of hazardous waste treatment, storage, and disposal facilities submitting notifications to the District after the effective date of this Agreement. EPA will do this after receiving a copy of the notification information from the District as provided later in this Agreement.
4. EPA agrees to transfer to the District any pending Part A and Part B hazardous waste management facility permit applications originally submitted to EPA pursuant to 40 CFR 270.10 by facilities located in the District and which have not already been transferred to the District, together with all pertinent file information. Pertinent file information includes applications (including accompanying narratives, plans, maps, etc.), draft permits, public notices, administrative notices, fact sheets and correspondence. Such materials will be provided within thirty days after the effective date of this Agreement and according to any arrangements the District and the Regional Administrator may make regarding the priority of transfer.
5. EPA will also provide to the District, within five days of receipt, Part A and Part B permit applications submitted directly to EPA by persons in the District after the effective date of this Agreement.
6. EPA agrees to make available to the District copies of any reports and data resulting from compliance inspections within sixty days of completion of the inspections, including any enforcement actions taken by EPA against hazardous waste handlers in the District.
7. EPA will make available to the District other relevant information as requested which the District needs to implement its approved program.

8. EPA - Region III responsibilities regarding the maintenance and operation of the Hazardous Waste Data Management System (HWDMS) are as follows:
- a. The Region agrees to provide and maintain current documentation to HWDMS.
 - b. Promptly alert the District to any changes in the HWDMS which affect their usage.
 - c. Update data submitted to HWDMS by the District and assure that the HWDMS error listing is available to the District for corrections. (Note: If errors are the result of hardware or software problems, EPA will correct problems and resubmit data in the next scheduled update.)
 - d. Provide HWDMS training to the Department of Consumer and Regulatory Affairs personnel. At a minimum this training shall include source document coding, data entry procedures, quality control and usage of System 2000 (S2K) Natural Language.
 - e. Provide specialized reports upon request within the Region's resource constraints.
 - f. Conduct periodic quality check of HWDMS to ensure that the information in the system accurately represents an installation's hard copy file located in the District. EPA shall work with the District to improve data handling procedures if necessary and as needed.
 - g. Establish an account at the National Computer Center for the District and provide a quarterly report on the monthly accounting of time-sharing cost.

C. District

1. The District agrees to inform the Regional Administrator of any proposed or adopted program changes which would affect the District's ability to implement the authorized program. Program changes of concern include modification of the District's legal authorities (i.e., statutes, regulations and judicial or legislative actions affecting those authorities), modifications of memoranda of agreement or understanding with other agencies, and modifications of resource levels

(i.e., available or budgeted personnel and funds). The District recognizes that program revisions must be made in accordance with the provisions of 40 CFR 271.21.

2. The District agrees to submit the following reports to the Regional Administrator within the specified time periods:
 - o Biennial report summarizing the quantities and types of hazardous waste generated, transported, treated, stored, and disposed of in the District as specified in the RCRA Guidance by October 1 of each even-numbered year.
 - o A copy of the report entitled "District's Compliance with Financial Assurance Requirements". This report is due by June 30 of every year.
 - o On a monthly basis, copies of formal enforcement actions for Class I violations at Department of Defense facilities.
 - o By December 31, 1984, a District Compliance/Enforcement Strategy.
 - o By December 31, 1984, a multi-year Permit Strategy which will be reviewed and modified as necessary.
 - o Additional reports as negotiated in the District Work Program.
3. The District agrees to submit to the Regional Administrator the following information as frequently as noted below:

ITEM DESCRIPTION	FREQUENCY OF SUBMISSION
a. A copy of permit application originally submitted to the District and subsequent revisions or additions to these applications on or after the effective date of this Agreement by all major hazardous waste management facilities in the District unless EPA has been carbon copied by the facility.	Within 15 days of receipt by the District.

The District may want to request an additional copy of the permit application from facilities for forwarding to EPA.

b. A copy of selected non-major permit applications for which the District may be issuing or denying a permit in that particular year.

Upon request.

c. Copies of all trial burn permit applications, trial burn plans (if different from the application) and trial burn plan approvals.

Within one week of their receipt by the District.

d. Copies of (a) draft permits and (b) proposed permit modifications (c) permit denials and (d) accompanying explanatory material for all major hazardous waste management facilities in the District. EPA also may request a copy of completeness and technical reviews for selected permits being worked on during the fiscal year.

Two weeks prior to public notice.

e. For non-major facilities the District agrees to submit to EPA a copy of the fact sheet with the public notice of the intention to issue or deny the permit. In addition, the District will send EPA copies of notices of public hearings. For selected non-major facilities which are targeted to be issued permits during the fiscal year, EPA may request a copy of completeness and technical reviews, and draft permits (prior to public notice issuance).

At the time they are sent out for public comment.

f. For all major facilities the District agrees to submit to EPA a copy of all final permits issued, denied, modified, reissued or terminated. EPA may request a copy of final documents for non-major permits being worked on during the fiscal year. Within 7 working days of their completion.

g. The District agrees to submit the following closure/post-closure data to EPA: Within 2 weeks of receipt/transmittal.

- (1) Copy of public notice announcing receipt of closure/post-closure plans and public hearing, if applicable.
- (2) Copy of the approved closure and post-closure plans for all major facilities.
- (3) Copy of the District's approval of the closure plan for all non-major facilities.
- (4) Copy of the closure certifications by the independent registered engineer (or independent qualified soil scientist in cases of land treatment facilities) and the owner or operator.
- (5) Copy of the revised Part A reflecting partial facility closures (i.e., where a cell or unit of the facility is closed) of interim status units (or cells).
- (6) Copy of the District's reports of inspections conducted during closure and after receipt of closure certification.
- (7) Copy of the certified survey plot of the closed disposal facility/unit or cell prepared by a professional land surveyor and filed with the local land authority.
- (8) Copy of the notice placed in the property deed, or other instrument which is normally examined during title search, for closed disposal facility/unit or cell.
- (9) Copy of letters sent to facilities requiring post-closure permit applications for those facilities requiring a post-closure permit.

- h. The District agrees to notify EPA of all new facility permit applications for the purpose of determining facility classification. Within 5 days via telephone call to the Waste Management Branch.
- i. Copy of all variances. Upon issuance.
- j. The District agrees to provide telephone notification to the RCRA Permits Section of all emergency permits prior to issuance if feasible owing to the nature of the emergency. Copies of these permits shall be forwarded to EPA upon issuance. As soon as possible.

The District may request technical assistance in the review of permit applications, draft permits, permit modifications, emergency permits, closure/post-closure plans, etc. The priorities for permitting will be reviewed annually during the development of the District work Program.

4. So that EPA can issue EPA identification numbers and maintain a national inventory of all hazardous waste handlers, the District agrees to provide EPA with the following notification and Part A information submitted to the District after the effective date of this Agreement by new hazardous waste generators, transporters and treatment, storage and disposal facilities and interim status facilities change requests in the District:

- name and location of the handler
- mailing address of the handler
- name and telephone number of a contact person
- type of hazardous waste activity
- process codes and amounts (if the handler is a TSDF)
- changes of ownership requiring a new Part A
- increases in capacity
- changes in status

The District will also submit any updates or changes in previously submitted notification information. This information will be provided to the Regional Administrator within ten days of receipt of the information.

5. Hazardous Waste Data Management System (HWDMS)

The District agrees to adhere to established procedures, both present and future, for accessing and maintaining the Hazardous Waste Data Management System as specified in the District Work Program and will ensure that the activities listed below are conducted in a timely manner:

- a. Enter data elements information into HWDMS for which data is required. The data shall be transmitted to Region III in the HWDMS transaction format for direct entry into the data system in a timely manner.
 - b. The District will periodically review the HWDMS data for completeness and accuracy, make necessary corrections and update HWDMS with any missing information or new information.
 - c. The District shall have access to HWDMS for data retrieval for all Region III States for use in the management of the State program.
 - d. The District agrees to conduct meetings as needed with Regional personnel to review HWDMS operation, identify problems and incorporate any changes to improve the process.
 - e. The District understands that data entered into HWDMS is considered Federal data. As such, the Freedom of Information Act and other Federal laws will govern access to the data.
 - f. The District agrees to enter into an Inter-Agency Agreement with EPA and the National Computer Center for a timeshare account and user identification number.
 - g. The District agrees that data received under a claim of confidentiality and approved by the State will not be entered into the data system.
6. In the case of interstate shipments for which the manifest has not been returned, the District agrees to provide notification thereof to the State in which the facility designated on the manifest is located and to the State in which the shipment may have been delivered (or to EPA in the case of unauthorized State).

D. Site Visits

EPA is responsible for maintaining reliable national data on hazardous waste management. This data is used to report to the President and Congress on the achievements of the hazardous waste program and to support EPA's regulatory development efforts. Whenever EPA determines that it needs to obtain certain information, EPA will first seek to gain this information from the District. The District agrees to supply the Regional Administrator with this information if readily available and as resources allow. If the District is unable to provide the information or if it is necessary to supplement the District information, EPA may conduct a special survey or perform information collection site visits after notifying the District in accordance with Section VII of this Agreement. EPA will share with the District any national reports developed by EPA as a result of such information collection.

E. Emergency Situations

Upon receipt of any information that the handling, storage, treatment, transportation, or disposal of hazardous waste is endangering human health or the environment, the party in receipt of such information shall immediately notify by telephone the other party(ies) to this Agreement of the existence of such situation. Persons to be notified are:

EPA: Chief, Emergency Response Section,
24-hour hotline (215) 597-9898 or
National Response Center toll free number
(800) 424-8802

District: Mayor's Command Center 24-hour number
(202) 767-6161

F. Confidentiality

1. Any information obtained or used in the administration of the District program shall be available to EPA upon request without restriction. If the information has been submitted to the District under a claim of confidentiality, the District must submit that claim to EPA when providing information. Any information obtained from the District and subject to a claim of confidentiality will be treated in accordance with the regulations in 40 CFR Part 2.

2. EPA agrees to furnish the District information in its files which is not submitted under a claim of confidentiality and which the District needs to implement its program. Subject to the conditions in 40 CFR Part 2, EPA will furnish the District information submitted to EPA under a claim of confidentiality which the District needs to implement its program. All information EPA agrees to transfer to the District will be transferred in accordance with the requirements of 40 CFR Part 2.

V. PERMIT ISSUANCE

- A. Upon final authorization of the District program EPA will suspend issuance of Federal permits for hazardous waste treatment, storage, and disposal facilities in the District, except for those provided for in the Hazardous and Solid Waste Amendments of 1984.

EPA intends to add permitting standards for processes not currently covered by the Part 264 standards. For example, the Part 264 standards do not currently cover treatment and storage of hazardous waste in certain types of underground tanks. When EPA does promulgate standards for additional processes, EPA will process and enforce RCRA permits in the District in the new areas until the District receives final authorization of equivalent and consistent District standards. At the time the District program is approved in the new areas, EPA will suspend issuance of Federal permits in the District. EPA will also transfer any pending permit applications, completed permits or pertinent file information to the District within thirty days of the approval of the District program in conformance with the conditions of this Agreement.

B. EPA Overview of District Permits

While EPA may comment on any permit application or draft permit, EPA's overview function will focus primarily on those facilities identified by the District and EPA as major facilities for permit overview.

EPA will comment on permit applications, draft permits, and proposed permit modifications as follows:

<u>ITEM DESCRIPTION</u>	<u>FREQUENCY OF SUBMISSION</u>
EPA will comment in writing in accordance with §271.19, to inform the District and	Within 60 days of receipt or will request an extension for these comments

the facility of any deficiency in the content of any permit applications, draft permits and proposed permit modifications for major facilities.

as warranted. In the case of draft permits, receipt should be two weeks prior to public notice.

As resources allow, EPA agrees to provide comments on permit applications, draft permits, and proposed permit modifications for non-major facilities which have been deemed complete.

Within 60 days of receipt or will request an extension for these comments as warranted. In the case of draft permits, receipt should be two weeks prior to public notice.

EPA will review all trial burn permit applications and provide comments to the District.

Within 60 days of receipt.

EPA will select and evaluate closure plans and cost estimates and provide comments to the District.

Immediately if the plan appears to present an unreasonable risk to human health or the environment. Otherwise, on a mutually agreed upon schedule.

EPA may request a copy of any permit application, draft permit or proposed permit modification, statement of basis or fact sheet, and any supporting documentation that went into the development of the draft permit. The District shall provide such information within one week of request.

In accordance with §271.19, EPA may comment in writing on any draft permit or proposed permit modification, whether or not EPA commented on the permit application, within forty-five days of its receipt. Where EPA indicates in a comment that issuance of the permit would be inconsistent with the approved District program, EPA shall include in the comment:

1. a statement of the reasons for the comment (including the section of the D. C. regulations that support the comment); and
2. the actions that should be taken by the District in order to address the comments (including the conditions which the permit would include if it were issued by the Regional Administrator).

EPA will send a copy of any comments on the permit application, draft permit or proposed permit modification to the permit applicant. The District will be notified of this action.

EPA will withdraw any comment in writing when satisfied that the District has met or refuted the Agency's concerns and EPA will inform the permit applicant of any comments withdrawn.

Under Section 3008(a)(3) of RCRA, EPA may terminate a District-issued permit in accordance with the procedures of Part 124, Subpart E, or bring an enforcement action in accordance with the procedures of 40 CFR Part 22 in the case of a violation of a District program requirement. In exercising these authorities, EPA will observe the conditions established in 40 CFR 271.19(e).

C. District Permitting

The District is responsible for expeditiously drafting, circulating for public review and comment, issuing, modifying/reissuing and terminating RCRA permits for all hazardous waste treatment, storage and disposal facilities in the District, and shall do so in a manner consistent with RCRA, with this Agreement, with all applicable Federal requirements, and with the District's Program Description.

The District will carry out the permitting procedures contained in Chapters 4007 and 4010 published in Title 20 of its Municipal Regulations, which are analogous to those portions of 40 CFR 270 and 124 which are applicable to District programs.

The District agrees to comply with EPA policy regarding compliance schedules in permit actions.

The District agrees to consider all comments EPA makes on permit applications and draft permits. The District will satisfy or refute EPA's concerns on a particular permit application, proposed permit modification, or draft permit in writing before issuing the permit or making the modification.

VI. PERMIT ADMINISTRATION AND ENFORCEMENT

EPA. The Region agrees to transfer the responsibility for administration and enforcement of RCRA permits to the District upon granting of the Final Authorization, except for those provided for in the Hazardous and Solid Waste Amendments of 1984.

After notice to the District, EPA may take action under Section 3008 of RCRA against a holder of a District-issued permit on the ground that the permittee is not complying with a condition of that permit.

EPA may take action under Section 3008 of RCRA against a holder of a District-issued permit on the ground that the permittee is not complying with a condition that the Regional Administrator, in commenting on the permit application or draft permit, stated was necessary to implement approved State program requirements, whether or not that condition was included in the final permit.

VII. COMPLIANCE MONITORING AND ENFORCEMENT

A. EPA

Nothing in this Agreement shall restrict EPA's right to inspect any hazardous waste generator, transporter or facility or bring enforcement action against any person believed to be in violation of the District hazardous waste program. Before conducting an inspection of a generator, transporter or facility, the Regional Administrator will normally give the District at least seven days notice of the intent to inspect in accordance with 40 CFR 271.8(b)(3)(i). If the District performs a compliance inspection and submits a report and data relevant thereto within that time to EPA, no EPA inspection will be made, unless the Regional Administrator deems the District report and data to be inadequate. In case of an imminent hazard to human health and the environment, the Regional Administrator may shorten or waive the notice period. The frequency of EPA oversight and training inspections will be specified in the annual State Work Program. EPA will conduct oversight inspections on approximately 10% of the District's compliance inspections.

The Regional Administrator may take enforcement action in lieu of the District or in conjunction with the District against any person determined to be in violation of RCRA in accordance with Section 3008(a)(2). EPA will take enforcement action only upon determining that the District has not taken timely and appropriate enforcement action in accordance with EPA's Enforcement Response Policy. Prior to issuing a compliance order under Section 3008 EPA will give notice to the District. EPA also retains its rights to issue orders and bring actions under Sections 3013 and 7003 of RCRA and any other applicable Federal statute.

B. District

The District agrees to carry out a timely and effective program for monitoring the compliance of generators, transporters, and facilities with applicable program requirements (see 40 CFR 271.15). As part of this program, the District will conduct compliance inspections to assess the compliance with generator and transporter standards (including manifest requirements), facility standards (including record reviews), permit requirements, compliance schedules and all other program requirements.

The District agrees to take timely and appropriate enforcement action in accordance with the "Interim National Criteria for a Quality Hazardous Waste Management Program" against all persons in violation of generator and transporter standards (including manifest requirements), facility standards, permit requirements, compliance schedules, and all other program requirements, including violations detected by District or Federal compliance inspections. The District will maintain procedures for receiving and ensuring proper consideration of information about violations submitted by the public.

The District agrees to provide EPA with copies of reports on data resulting from any compliance inspection and subsequent enforcement actions, if EPA requests such copies.

Appropriate District enforcement response shall be conducted in accordance with EPA's "Interim National Criteria for a Quality Hazardous Waste Management Program" and may include not more than two warning letters for any violation, followed by timely initiation and prosecution of enforcement proceedings which may be, as determined on a case-by-case basis, administrative or judicial in nature. Any civil penalty assessed, sought, or agreed upon by the District shall be appropriate to the violation, as defined in 40 CFR 271.16(c).

The District agrees to provide thirty (30) days for public comment on all proposed settlements of civil enforcement actions, except in cases where a settlement requires some immediate action which if otherwise delayed could result in substantial damage to either public health or the environment.

The District agrees to retain all records for at least three (3) years unless there is an enforcement action pending. In that case all records will be retained until such action is resolved.

VIII. State Specific Agreements

A. Capability Assessment

As a result of EPA's capability assessment of the District of Columbia's hazardous waste program, the District and EPA agree to the following objectives in order to evaluate and improve, where necessary, the District's program over time, so as to be consistent with EPA's "Interim National Criteria for a Quality Hazardous Waste Management Program under RCRA" (hereinafter "Criteria").

1. EPA

EPA will provide to the District, as needed, specific guidance which details how the District can best attain the objectives of the Criteria. Annual grant guidance will reflect the basic principles of the Criteria and grant work programs will be designed to enhance District program capability to the greatest extent possible. EPA will also provide training, and technical assistance, as available, to assist the District in developing a quality program. Through formal and informal District program evaluations, EPA will continuously assess the District's program for consistency with the Criteria and related guidance, in order to identify areas of the District's program which may require attention. When the District demonstrates that it consistently meets the performance Criteria, EPA may reduce its degree of oversight, i.e., reporting frequency, scope and frequency of program reviews, etc.

Additionally, EPA will provide technical assistance to the District to assist in the issuance of the storage permit at the Naval Research Laboratory, especially in the area of closure plan reviews.

2. District

The District agrees to implement a program which is consistent with the "Interim National Criteria for a Quality Hazardous Waste Management Program under RCRA", to the greatest extent possible and within the scope of District authority. In addition, the District agrees to develop by December 31, 1984, and implement a

compliance and enforcement strategy based on Lee Thomas' memorandum of June 12, 1984. The District will also develop, by December 31, 1984, and implement a multi-year permit strategy based on EPA guidance. The District agrees to consider recommendations made by EPA as a result of program evaluations and which are consistent with the Criteria. The District recognizes the need to inform EPA of authorized program activities and agrees to report to EPA in accordance with Section IV C of this Agreement and will do so as accurately as possible and in a timely manner.

The District agrees to make every effort to fill the vacant Sanitarian position and will attempt to provide this position as a D.C. funded position to add stability to the District's program. In addition, the District agrees to obtain training for its inspectors in the areas of Personal Protection and Safety, Sampling Procedures, and Closure Plan reviews. Also, the District agrees to provide basic safety equipment for its inspectors.

The District will provide the necessary resources to evaluate, process and issue any new incinerator permits and will coordinate with the Air Branch of DCRA to provide proper oversight of the permit and compliance/monitoring in regard to any new incinerators.

The District agrees to submit a final quality assurance program plan and to comply with the provisions of the EPA approved Quality Assurance Project and Program Plan when implementing its hazardous waste program.

The District assures EPA that there are no facilities within the District which possess interim status in the categories of surface impoundments, waste piles, land treatment, landfills, and chemical, physical and biological treatment and that, should any such interim status facility come into existence by virtue of any amendment to the District's regulations, any such amendment will be accompanied or preceded by all appropriate regulations analogous to 40 C.F.R. Part 265 which are necessary to maintain an equivalent program. Any failure by the District to promulgate such regulations in a timely manner will, on request by EPA, result in an immediate and voluntary reversion of the

authorized program, accompanied by transfer of
information and public notice as specified by
EPA.

DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER
AND REGULATORY AFFAIRS

U.S. ENVIRONMENTAL PROTECTION
AGENCY, REGION III

BY: Carol B. Thompson BY: Stacy Clark
DATE: JAN 10 1985 DATE 2/14/85