

US EPA ARCHIVE DOCUMENT

Appendix C

RCRAInfo Memorandum of Understanding (MOU)

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
MARYLAND DEPARTMENT OF THE ENVIRONMENT
AND THE
U.S. ENVIRONMENTAL PROTECTION AGENCY

Introduction

The Maryland Department of the Environment (MDE) and the U.S. Environmental Protection Agency, Region III (EPA) agree that, due to the nature of Federal/State administration of the Resource Conservation and Recovery Act (RCRA) program, successful data management will be the product of a shared responsibility between MDE and EPA for the operation of the Resource Conservation and Recovery Act Information System (RCRAInfo). To ensure that data integrity is preserved, and to provide sufficient data to adequately administer and properly oversee the RCRA program, the undersigned enter into this Memorandum of Understanding (MOU).

The MOU documents the terms and responsibilities associated with both the initialization and operation of RCRAInfo. Specifically, the MOU establishes agreements regarding:

- 1) Implementer-of-Record (IOR) designations;
- 2) Information sharing scenarios;
- 3) Dispute resolution procedures; and
- 4) General RCRAInfo management.

A. IOR Designation

As a result of shared responsibility, and to ensure data integrity generated by program staff of either agency, both MDE and EPA will be Implementer of Record for blocks of data as outlined in the following paragraphs. Also, see Attachment 1.

MDE and EPA agree to the following basic IOR decisions, which are also reflected in the assignment of IOR responsibilities at the block level:

- (1) Handler Identification numbers will be assigned by MDE.
- (2) New and subsequent notification forms will be processed by MDE.
- (3) Part A forms will be received and processed by MDE.
- (4) The MDE will be the IOR for any Biennial Report data.
- (5) MDE and EPA will agree on any implementer-defined values in RCRAInfo, i.e., Contact Type, which can be standardized within EPA Region III.
- (6) Process unit groups will be designated jointly by EPA and MDE.
- (7) Compliance Monitoring and Enforcement information will be designated jointly by EPA and the MDE.
- (8) Areas for corrective action will be designated by EPA.
- (9) Constituents for corrective action will be designated by EPA.

Once the State receives authorization to administer the corrective action portion of HSWA, they may assume IOR responsibilities for these components.

In accordance with the above basic IOR decisions, **MDE and EPA agree that MDE will be the IOR for the following blocks of data:**

Handler ID
Handler 1
Handler Owner/Operator
Handler SIC Code
Handler Contact = N, A, R, E, F, G, H, I, J
Handler Source and associated data for source = A, R, or S

Process Unit Group Block

Permit Event Block (when Event Responsible Agency is State
= S or Joint = S)

CM&E (when Enforcement Responsible Agency is State)
CM&E Evaluation (when Evaluation Responsible Agency is
State = S, or State Contractor = B)
CM&E Violation (when Enforcement Responsible Agency is
State = S, or for State Contractor = B)

CA Event (when Event responsible Agency is State = S, or
other or Voluntary = O)
CA Instrument (when Instrument Responsible Agency is State)

**MDE and EPA agree that EPA will be the IOR for the following
blocks of data:**

Handler Contact = K, L, M
Handler Source (and associated data, when source = E, or N)
Permit Event Block (when event Responsible Agency is EPA)
CM&E Enforcement (when Enforcement responsible Agency is
EPA = E, or X)
CM&E Evaluation (when Evaluation responsible Agency is EPA
= E, Oversight = X, or EPA Contractor = C)
CM&E Violation (when Enforcement responsible Agency is
EPA = E, Oversight = X, or EPA contractor = C)
CA Area
CA Constituent
CA Event (when event responsible Agency is EPA = E,
Joint = J, or Other Voluntary = P)
CA Instrument (when instrument Responsible Agency is EPA =E
or Joint = J)

In addition, EPA and the State acknowledge that IOR
responsibilities for the CA area, CA Constituent, CA Event, and
CA Instrument blocks may revert to the State (if the Responsible
Agency is Joint) once the State is authorized for corrective
action.

B. Information Sharing

The State is responsible for entering data directly into
RCRAInfo.

C. Dispute Resolution Procedures

MDE and EPA agree that a formal dispute resolution procedure must
be established in order to expeditiously resolve any conflicts
that may arise between the two Agencies regarding the data in
RCRAInfo. If the non-IOR is in disagreement with the IOR, then
the non-IOR will assume responsibility for initiating the
resolution procedures.

MDE and EPA agree that disputes should be resolved at the staff level whenever possible. Once elements in dispute have been identified, the data administrator will contact his/her counterpart, within five days to discuss the data in question. If the MDE and EPA data administrators cannot resolve the dispute within two weeks, they will bring it to the attention of their immediate supervisors.

If a final resolution cannot be reached, the final decision will be made by the Agency that is the Implementer-of-Record for the data element.

MDE and EPA agree that the maximum time frame for resolution of all disputes will not exceed 30 days.

D. General RCRAInfo Management

MDE and EPA will continue to develop RCRAInfo management procedures to facilitate the flow of RCRA program data into RCRAInfo, and assure the timeliness and accuracy of the data. If the State and EPA mutually determine that the procedures prove inadequate for the operation of RCRAInfo, then MDE and EPA will jointly revise the procedures.

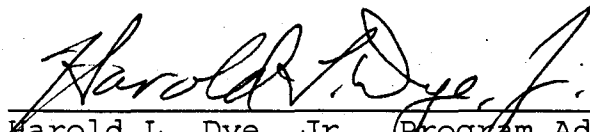
MDE and EPA agree to participate in the RCRAInfo National User Group meetings and training, whenever possible.

E. Grant Incorporation

This MOU is incorporated by reference as part of the current RCRA Authority 3011 grant.

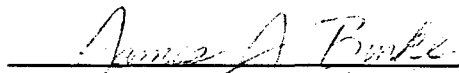
F. Effective Date

This agreement is meant to provide the framework within which the two agencies intend to initialize and operate RCRAInfo. This agreement does not waive any legal rights of either party, nor does it provide any rights to facilities or persons not a signatory. Once executed, this MOU will continue in effect unless modified by mutual consent of both parties. However, this MOU is subject to re-negotiation based on revisions to RCRAInfo implementation process, national implementation framework, revisions to relevant State or Federal guidance, regulations, statutes, or revisions to the State's RCRA/HSWA authorization status. The effective date of this MOU will be one week after the date of the final signature.



Harold L. Dye, Jr., Program Administrator
Hazardous Waste Program
Maryland Department of the Environment

November 28, 2000
Date



James J. Burke, Director
Waste and Chemicals Management Division
U.S. Environmental Protection Agency, Region III

12/3/00
Date