

US EPA ARCHIVE DOCUMENT

APPENDIX D

MEMORANDUM OF UNDERSTANDING BETWEEN  
WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES  
AND  
THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS

Relating to the joint development and implementation of the Hazardous Waste Management Program - Subtitle C - of the Resource Conservation and Recovery Act (hereafter "program") and the administration of the laws of the State of West Virginia to protect the environment and the public health from the adverse effects of improper hazardous waste management.

I. Preamble

The Department of Natural Resources as the designated lead agency for the State (hereafter "DNR") and the West Virginia Department of Highways (hereafter "DOH") enter into this Memorandum of Understanding (hereafter "MOU"). This MOU is to serve as an instrument for the development and implementation of an effective and approvable program in the State. This MOU will assure efficient distribution of grant funds and will minimize duplication of effort among the two agencies.

II. Authority and Responsibility

The Director of DNR has the authority to enter into this MOU pursuant to Section 5 of Chapter 20, Article 5E of the Code of West

Virginia for the purpose of receiving grant funds and coordinating with other agencies and interested parties to secure benefits of federal legislation.

It is understood that the Director representing the lead agency shall:

1. Submit for approval to EPA all workplans to be funded by the pass through of federal grant funds to the DOH.
2. Submit to EPA all reports and submissions required by this MOU and in relation to the expenditure of grant funds.
3. Submit for approval to EPA all contractual agreements entered into by the participating agencies when federal grant funds are utilized in part or in full for such agreements.

### III. Substantive and Procedural Arrangement

#### A. Division of Water Resources Department of Natural Resources and Department of Highways

1. The Director of DNR shall apply for and receive grant funds at a level based on an approved work plan negotiated with the United States Environmental Protection Agency.
2. The Director of DNR shall provide pass through grant funds to the DOH for program development and implementation activities eligible under such grant, upon submission of an approvable work plan and

- estimated budget.
3. The Chief of the Division of Water Resources shall cooperate with the Commissioner of DOH in establishing in-house training of state personnel.
  4. The Chief shall provide the Commissioner with an advanced schedule of inspections or transporter terminals or transfer stations, so that joint inspections may be arranged if desirable and to avoid duplication of effort.
  5. The Chief will conduct compliance inspections of all hazardous waste management facilities. Inspection reports and all other information collected during such compliance evaluation inspections, when such inspections relate to transporter terminals or transfer stations, shall be forwarded to the Commissioner within thirty (30) days of such inspection.
  6. The Chief shall give prompt written notification to the Commissioner upon the observation or learning of a suspicious violation of any rule or regulation administered or enforced by the Commissioner.
  7. The Chief shall advise the Commissioner of all anticipated enforcement actions related to transporter terminals or transfer stations.
  8. The Chief shall receive and review permit applications for all existing and new facilities requiring a permit. The Chief shall notify the

Commissioner of all permit actions involving a transport terminal or transfer station, when such permits are required for these facilities (example: storage of treatment prior to shipment).

9. The Chief shall receive all manifest discrepancy and exception reports and shall advise the Commissioner by copy of such discrepancies. The Chief shall coordinate with the Commissioner in resolving manifest discrepancies or exceptions.
10. The Chief shall cooperate with the Commissioner in responding to and investigating citizen's complaints.

B. Department of Highways

1. The Commissioner shall provide the necessary state matching funds for all federal pass through grant funds allotted to DOH hereunder.
2. The Commissioner shall maintain adequate financial records for all Hazardous Waste Management Program expenditures until program audits are completed.
3. The Commissioner shall submit to the Director of DNR the necessary information (including inventory updates, progress reports, narrative workplans, budget estimates, annual program reports, and mid-course evaluation reports) as required by the U.S. Environmental Protection Agency (EPA) to meet program requirements. This information shall be

submitted to the Director five (5) days prior to the appropriate submission dates outlined in Attachment A so that the Director may report to the U.S. Environmental Protection Agency and thereby insure the quarterly release of grant funds.

4. The Commissioner will cooperate with the Chief in establishing in-house training of state personnel.
5. The Commissioner shall take such actions as necessary and appropriate to enforce any rule or regulation administered by the Commissioner.
6. The Commissioner shall give prompt written notification to the observation or learning of a suspected violation of any permit issued by the Chief.

#### IV. Effective Date

This MOU and any subsequent modifications will take effect immediately upon its execution and shall remain in effect for a period of one (1) year from its date of execution. At the end of this period, the participating parties identified herein shall review this MOU for any modifications or revisions, and execute a revised MOU, if necessary, or extend the effectiveness of the existing MOU for an identified period.

V. Modifications

This MOU may be modified or amended by mutual agreement signed by the participating agencies identified herein.

WEST VIRGINIA DEPARTMENT  
OF HIGHWAYS

BY Charles T. Miller  
COMMISSIONER DATE 9-9-83

WEST VIRGINIA DEPARTMENT  
OF NATURAL RESOURCES

BY D. C. Balogh 9/30/83  
DIRECTOR DATE

APPROVED AS TO FORM THIS

1st DAY OF Sept 19 83

John B. Steat

ATTORNEY LEGAL DIVISION,  
WEST VIRGINIA DEPARTMENT  
OF HIGHWAYS



AMENDMENT TO  
MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES  
AND  
THE WEST VIRGINIA DEPARTMENT OF HIGHWAYS

SEP 27 1984

HIGHWAY SERVICES  
DIVISION

I. INTRODUCTION

This amendment to the Memorandum of Understanding (MOU) regarding the development and implementation of the Hazardous Waste Program, Subtitle C of the Resource Conservation and Recovery Act of 1976, 42 USC § 6901 et seq., between the Department of Natural Resources (DNR) and the Department of Highways (DOH), is made pursuant to Part V, Modifications, of the MOU.

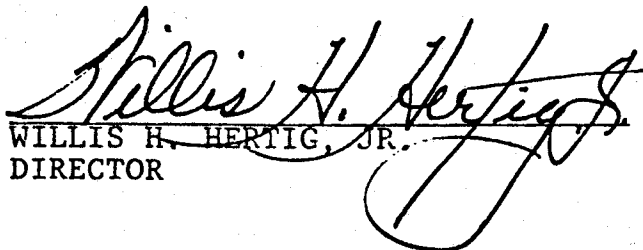
II. MODIFICATION OF EFFECTIVE DATE

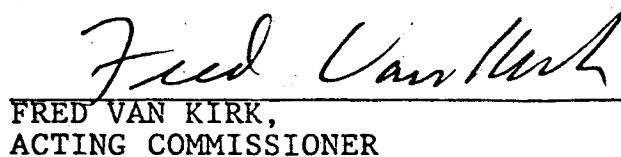
This amendment extends the terms and effect of the MOU for a period of six (6) months from the ending date of the preceding period of effect, during which period the parties shall review, negotiate, and modify the memorandum, as appropriate, to address the concerns of each agency. In the event that the modifications are not completed before the expiration of the additional six (6) month period contemplated by this amendment, the agencies agree to continue the MOU in effect for an additional period pending the completion of the modifications, not to exceed an additional six (6) months.

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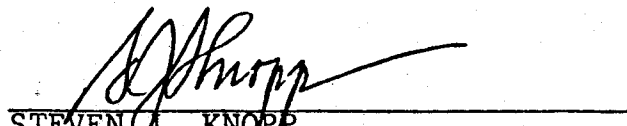
Division of Water Resources  
Martinsburg, West Virginia

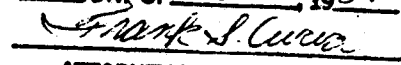
IN WITNESS WHEREOF, the parties hereto have executed this amendment, this the 5 th day of October, 1984.

  
WILLIS H. HERTIG, JR.  
DIRECTOR

  
FRED VAN KIRK,  
ACTING COMMISSIONER

Prepared by:

  
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CHARLESTON, WEST VIRGINIA 25301

APPROVED AS TO FORM THIS  
5th DAY OF October, 1984  
  
ATTORNEY LEGAL DIVISION,  
WEST VIRGINIA DEPARTMENT  
OF HIGHWAYS