

US EPA ARCHIVE DOCUMENT

PUBLIC PARTICIPATION SUMMARY
RCRA FINAL AUTHORIZATION APPLICATION

WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RESOURCES

APRIL 5, 1985

The West Virginia Department of Natural Resources, Division of Water Resources opened the 30-day public comment period for its RCRA final authorization application on February 25, 1985. The application consists of two volumes. Volume I contains the Governor's letter, program description, Attorney General's statement, memorandum of agreement and the appendix; volume II contains statutes and regulations from the five bodies which are involved with the state's hazardous waste program. Public notice of the comment period was published in the State Register and 11 regional daily newspapers. A copy of the certificate of publication for each of these papers is attached. A copy of the public notice is also attached.

At the close of the public comment period, on March 27, a public hearing was held in Charleston, West Virginia. The main purpose of the hearing was to receive comments on the final authorization application. The contents and purpose of the application were described at the hearing. A transcript, summary and list of attendees for the hearing are attached.

Although no written or oral comments were presented at the public hearing, four comments were received by the Department prior to the hearing. Copies of the comments and the Department's responses are attached.

WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RESOURCES
RCRA FINAL AUTHORIZATION
PUBLIC HEARING SUMMARY
3-27-85

Timothy T. Laraway, head of the solid and hazardous waste/ground water branch, chaired the public hearing held to receive comments on the state's application to the U. S. Environmental Protection Agency for the authority to operate the state's hazardous waste management program. The hearing was held at the Department of Natural Resources, Division of Water Resources' conference room at 1201 Greenbrier Street, Charleston, West Virginia.

Twenty-two persons (see attached list) attended the hearing, which began at 7:00 p.m. and ended at approximately 7:15 p.m. There were no comments made by anyone present; adequate time was provided for this when the floor was opened for comment. Several members of the audience were part of an administrative law class from the University of Charleston; the instructor had called the week before the hearing to say that students would be attending to observe. The forms and sheets referred to in paragraphs four and five of the transcript are sign-in sheets indicating the attendees' names, addresses and desire to make comments.

Other staff from the Division of Water Resources present included Dave Robinson, chief; Steve Wright, assistant head of the solid and hazardous waste/ground water branch; and Kim Fetty, public information office.

WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RESOURCES
RCRA FINAL AUTHORIZATION
PUBLIC HEARING TRANSCRIPT
3-27-85

Timothy T. Laraway, head of the solid and hazardous waste/ground water branch, Division of Water Resources, Department of Natural Resources, chaired the public hearing.

"Let the record show that this hearing began at 7:00 p.m. The purpose of this hearing is to accept oral and written comments on the state of West Virginia's application for authorization for the federal hazardous waste management regulatory program under the Resource Conservation and Recovery Act, Subtitle C.

"The program application is being reviewed now and under public comments for the purposes of receiving comments prior to the submission of the application to the federal EPA for their approval and subsequent delegation of the program to the state of West Virginia.

"The application, for those of you who may not have seen it, consists of two volumes and five basic elements. Volume I contains the program description, which basically describes the way the program is to be operated; the Attorney General's statement which certifies the consistency and equivalency with the federal program; memorandum of agreement between the state of West Virginia and the U. S. EPA describing the roles of the two parties. Volume II contains the state's statutes including the state's Hazardous Waste Management Act and four agencies' statutes which regulate the act: Department of Natural Resources, Air Pollution Control Commission, Department of Highways and Public Service Commission.

"Notice was made on February 25 in the State Register and 11 regional daily newspapers of the public comment period and the date and time of the public hearing. The public comment period ends at the end of this hearing. In terms of commenting on the application, we have been receiving written comments since February 25 and are here tonight to receive oral or written comments on the application. Any persons who wish to orally comment or submit written comments should have completed one of these forms tonight or anyone wishing to receive copies of the transcript or response to comments. When commenting, please preface your comments with your complete name and affiliation. Any person who wishes to submit written comments may do so at the end of the hearing by placing them on the table in front of me. We will be responding to all comments and preparing a transcript from the tape recording of this proceeding. A copy of the Department's response to comments and a hearing transcript will be sent to all persons attending this hearing for whom we have a mailing address.

WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RESOURCES
RCRA FINAL AUTHORIZATION
PUBLIC HEARING ATTENDEES
3-27-85

Darrel E. Taylor
CECOS Environmental
2321 Kenmore Avenue
Buffalo, NY 14207

Marylea Jenkins
#4 Elder Drive
Charleston, WV 25302

Mary Hatfield
101 Woodbridge Drive
Charleston, WV

Barbara Moore
2328 1/2 Lincoln Avenue
St. Albans, WV 25177

Terri McAllister
408 A Street
St. Albans, WV 25177

Patricia Link
Route 1, Box 506
Cottageville, WV 25329

Randall Patrick
P. O. Box 771
St. Albans, WV 25177

Carolyn White
1499 Ravinia Road
Charleston, WV 25314

Rhonda Hayhurst
Route 1, Box 221
Fayetteville, WV 25840

E. Lew Porter
Keeney Sons
P. O. Box 434
no city or zip code given

David M. Flannery
Robinson & McElwee
P. O. Box 1791
Charleston, WV 25326

Freddie A. Sizemore
Air Pollution Control Commission
Charleston, WV 25305

Kandy Ball
215 96th Street
Marmet, WV 25313

Sallie J. Butler
no address

Bobbie Hunt
120 Pinewood Road
Elkview, WV 25071

Dona Crouse
100 Rensford Star Route
Charleston, WV 25306

Joseph Barta
INCO Alloys International, Inc.
P. O. Box 1958
Huntington, WV 25720

Cheryl Given
P. O. Box 157
Upper Glade, WV 26266

Debra Westfall
P. O. Box 326
Gassaway, WV 26624

Vreda Porter
816 E. Riverview Drive
Belle, WV 25015

NOTICE OF PUBLIC HEARING

WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RESOURCES
1201 GREENBRIER STREET
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: (304) 348-7861 or 348-2107

PUBLIC NOTICE DATE: February 25, 1985

The Director of the West Virginia Department of Natural Resources (DNR) hereby gives notice of the opening of the public comment period on the state's application to the U. S. Environmental Protection Agency (EPA) for authority to operate the federal hazardous waste management program. A public hearing will be held at the following date and time.

The hearing will be at 7:00 p.m. on Wednesday, March 27 in the Division of Water Resources' conference room, 1201 Greenbrier Street, Charleston, WV.

The application contains a program description, Attorney General's statement and memorandum of agreement between the state and the U. S. EPA. The program description explains the scope, structure, staffing and processes of the state's hazardous waste management program, including an identification of where the state's program is more stringent than the federal program. The Attorney General's statement certifies that the state program complies with all relevant federal requirements. The memorandum of agreement establishes the responsibilities of the state and the U. S. EPA after the program is delegated to the state.

All comments will be taken into consideration by the Department of Natural Resources. Comments will be accepted until March 27, 1985 and should be addressed to:

Ronald Potesta, Director
WV Department of Natural Resources
1800 Washington Street, East
Charleston, WV 25305
Attention: Ron Shipley, Hazardous Waste Coordinator

The application will be available for review between the hours of 8:30 and 4:30, Monday through Friday in the public information office at the Division of Water Resources, 1201 Greenbrier Street, Charleston and at DNR district offices located in Fairmont, Parkersburg, McArthur, Romney and French Creek. A limited number of copies will be available for a nominal fee. For more information, call 348-7861.

The State of Ohio
The County of Columbiana

Newspaper Clipping

NOTICE OF
PUBLIC HEARING
WEST VIRGINIA DEPARTMENT
OF NATURAL RESOURCES
DIVISION OF WATER RESOURCES
1201 GREENBRIER STREET
CHARLESTON, WEST VIRGINIA 253
TELEPHONE: (304) 346-7661
or 346-2167

PUBLIC NOTICE DATE:
February 23, 1985

Steven G. Frew being duly sworn, says that he is
The President of the Panhandle Press a newspaper, printed,
published, and of general circulation in said county of Hancock, State of W. Va.
that the notice, of which is attached a copy, was for 1 consecutive
weeks published in said newspaper, commencing on the 24th day of
February A.D., 1985.

Steven G. Frew

Subscribed by the said Steven G. Frew and by him sworn to
before me, this 24th day of February A.D., 1985.

Thonda J. Heer

Printer's Fee \$ 13.00

The Director of the West Virginia Department of Natural Resources (DNR) hereby gives notice of the opening of the public comment on the state's application to the U. S. Environmental Protection Agency (EPA) for to operate the federal hazardous waste management program. A public hearing will be held on the following date and time:

The hearing will be at 7:00 p.m. on Friday, March 27 in the Division of Water Resources conference room, 1201 Greenbrier Street, Charleston, WV.

The application contains a program statement, Attorney General's statement, a memorandum of agreement between the U. S. EPA. The program describes the scope, structure, staffing, resources of the state's hazardous waste management program, including an identification of where the state's program is more stringent than the federal program. The General's statement certifies that the program complies with all relevant federal requirements. The memorandum of agreement establishes the responsibilities of the U. S. EPA after the program is delisted by the state.

All comments will be taken into consideration by the Department of Natural Resources. Comments will be accepted until March 27, 1985. Comments should be addressed to:

Ronald Potasta, Director
WV Department of Natural Resources
1201 Greenbrier Street, East
Charleston, WV 25305
Attention: Ron Shipley,
Hazardous Waste Coordinator

The application will be available for review between the hours of 8:30 and 4:30 p.m. through Friday in the public information office at the Division of Water Resources, 1201 Greenbrier Street, Charleston and at DNR offices located in Fairmont, Parkersburg, Romney and French Camp. A nominal fee will be assessed for copies. For more information, call (304) 346-7661.

(Published in the Panhandle Press, West Virginia, Hancock County, on Feb. 23, 1985)

NOTICE OF PUBLIC
HEARING

WEST VIRGINIA DEPART-
MENT OF NATURAL RE-
SOURCES,
DIVISION OF WATER RE-
SOURCES

1201 GREENBRIER STREET
CHARLESTON, WEST VIR-
GINIA 25311

Telephone: [304] 348-7861 or
348-2107

PUBLIC NOTICE DATE: Fe-
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The Director of the West
Virginia Department of Nat-
ural Resources (DNR) hereby
gives notice of the opening of
the public comment period
on the state's application to
the U. S. Environmental
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authority to operate the fed-
eral hazardous waste man-
agement program. A public
hearing will be held at the
following date and time.

The hearing will be at 7:00
p.m. on Wednesday, March
27 in the Division of Water
Resources' conference room,
1201 Greenbrier Street, Ch-
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The application contains a
program description, Attor-
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memorandum of agreement
between the state and the U.
S. EPA. The program de-
scription explains the scope,
structure, staffing and pro-
cesses of the state's hazard-
ous waste management pro-
gram, including an identifi-
cation of where the state's
program is more stringent
than the federal program.
The Attorney General's sta-
tement certified that the
state program complies with
all relevant federal require-
ments. The memorandum of
agreement establishes the
responsibilities of the state
and the U. S. EPA after the
program is delegated to the
state.

All comments will be taken
into consideration by the
Department of Natural Re-
sources. Comments will be
accepted until March 27,
1985 and should be address-
ed to:

Ronald Potesta, Director
WV Department of Natural
Resources
1800 Washington Street,
East

Charleston, WV 25305
Attention: Ron Shipley, -
Hazardous Waste Coordina-
tor

The application will be
available for review between
the hours of 8:30 and 4:30
p.m., Monday through Fri-
day, in the public information
office at the Division of
Water Resources, 1201 Gre-
enbrier Street, Charleston
and at DNR district offices
located in Fairmont, Park-
ersburg, Marlinton, Romney
and French Creek. A limited
number of copies will be

THE NICHOLAS CHRONICLE, INC.

Summersville, West Virginia 26651

I, Leatha Heal, Editor of The Nicholas Chronicle, Inc., a weekly news-

paper published at Summersville in the County of Nicholas, and State of

West Virginia, do certify that the hereto attached

Class 1 Legal Advertising

Notice of public comment period

March 27 at 7 p.m.

was published in said newspaper once each week for One

successive weeks commencing on the 28 day of

..... Feb 19.. 85

Given under my hand this ... 28 day of ... Feb.

19.... 85

By Leatha Heal, Editor

Fee for Publication:

594 words at05 \$ per word, \$ 29.70

MARCIA MOORE

being first duly sworn, says that the

public hearing---- MARCH 27

NOTICE OF PUBLIC HEARING
WEST VIRGINIA DEPARTMENT OF
NATURAL RESOURCES
DIVISION OF WATER RESOURCES
1201 GREENBRIER STREET
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: (304) 348-7861 or 348-2107
PUBLIC NOTICE DATE: February 25, 1985

The Director of the West Virginia Department of Natural Resources (DNR) hereby gives notice of the opening of the public comment period on the state's application to the U. S. Environmental Protection Agency (EPA) for authority to operate the federal hazardous waste management program. A public hearing will be held at the following date and time.

The hearing will be at 7:00 p.m. on Wednesday, March 27 in the Division of Water Resources' conference room, 1201 Greenbrier Street, Charleston, WV.

The application contains a program description, Attorney General's statement and memorandum of agreement between the state and the U. S. EPA. The program description explains the scope, structure, staffing and processes of the state's hazardous waste management program, including an identification of where the state's program is more stringent than the federal program. The Attorney General's statement certifies that the state program complies with all relevant federal requirements. The memorandum of agreement establishes the responsibilities of the state and the U. S. EPA after the program is delegated to the state.

All comments will be taken into consideration by the Department of Natural Resources. Comments will be accepted until March 27, 1985 and should be addressed to:

Ronald Potesta, Director
 WV Department of Natural Resources
 1800 Washington Street, East
 Charleston, WV 25305
 Attention: Ron Shipley,
 Hazardous Waste Coordinator

The application will be available for review between the hours of 8:30 and 4:30, Monday through Friday in the public information office at the Division of Water Resources, 1201 Greenbrier Street, Charleston and at DNR district offices located at Fairmont, Parkersburg, McArthur, Romney and French Creek. A limited number of copies will be available for a nominal fee. For more information, call 348-7861.
 Feb. 25

N

hereto attached was printed in the Parkersburg News
 a daily newspaper published
 in the City of Parkersburg, Wood County, West Virginia, and posted
 at the front door of the Court House for one
 successive weeks, the first publication and posting thereon being on
 the 26 25th day of MARCH 19 85, and subse-
 quent publication on the day of 19
 the day of 19, the day of
 19, the day of
 19, and the day of 19.

Printer's Fee \$ 23.81

381 words @ .0625 Marcia Moore

Subscribed and sworn to before me this 25th day of

FEBRUARY 19 85.

[Signature]
 Notary Public for Wood County, West Virginia

My commission expires 7-21-92

Parkersburg Printing Co.

AFFIDAVIT OF PUBLICATION

OFFICE OF
HEARING
WEST VIRGINIA
DEPARTMENT OF
NATURAL RESOURCES
DIVISION OF WATER
RESOURCES
1201 GREENBRIER
STREET
CHARLESTON, WEST
VIRGINIA 25301
TELEPHONE: (304)
348-7861 or 348-2167
PUBLIC NOTICE DATE:
February 25, 1985
The Director of the West
Virginia Department of
Natural Resources (DNR)
hereby gives notice of the
opening of the public com-
ment period on the state's
application to the U. S. En-
vironmental Protection
Agency (EPA) for authori-
ty to operate the federal
hazardous waste manage-
ment program. A public
hearing will be held at the
following date and time:
The hearing will be at 7:00
p.m. on Wednesday, March
27, in the Division of Water
Resources' conference
room, 1201 Greenbrier
Street, Charleston, WV.
The application contains a
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and memorandum of agree-
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relevant federal re-
quirements. The memoran-
dum of agreement
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U. S. EPA after the pro-
gram is delegated to the
state.
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Department of Natural
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1985 and should be address-
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Ronald Potesta, Director,
WV Department of Natural
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1808 Washington Street,
E
Charleston, WV 25305
Attention: Ron Shipley,
Hazardous Waste
Coordinator
The application will be
available for review be-
tween the hours of 8:30 and
4:30, Monday through Fri-
day in the public informa-
tion office at the Division of
Water Resources, 1201
Greenbrier Street,
Charleston and at DNR
district offices located in
Fairmont, Parkersburg,
McArthur, Romney and
French Creek. A limited
number of copies will be
available for a nominal fee.
For more information, call
348-7861.
Time:

State of West Virginia
County of Marion, to-wit:

Nº 2109

I, Joyce Ann Police, being first duly sworn upon my oath,
do depose and say that I am Legal Clerk of THE TIMES-WEST VIRGINIAN
a corporation, publisher of the newspaper entitled THE TIMES-WEST VIRGINIAN an Independent news-
paper;

that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication;
that such newspaper has been published for more than one year prior to publication of the annexed notice described
below; that such newspaper is regularly published daily except Saturday and Sunday, for at least fifty weeks during
the calendar year, in the Municipality of Fairmont, Marion County, West Virginia; that such newspaper is a news-
paper of "general circulation," as that term is defined in article three, chapter fifty-nine of the Code of West Virginia,
1931, as amended, within the publication area or areas of the aforementioned municipality and Marion County; that
such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is cir-
culated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the
general public resorts for passing events of a political, religious, commercial and social nature, and for current hap-
penings, announcements, miscellaneous reading matter, advertisements and other notices;

that the annexed notice of Notice was duly published in said
newspaper once a week for one successive week (Class I), commencing with
the issue of the 25 day of Feb. 19 85, and ending with the issue of the 25
day of Feb. 19 85, and was posted at the front door of the Marion County Court
House on the 25 day of Feb. 19 85; that said annexed notice was published on
the following dates: Feb. 25, 1985

and the cost of publishing said annexed notice as aforesaid was \$30.50
Joyce Ann Police
25 day of Feb.

Taken, subscribed and sworn to before me in said county this 25 day of Feb.
19 85
My commission expires Jan. 24, 1990

W. Henry G. Bond
Notary Public of Marion County, West Virginia

NOTICE OF PUBLIC HEARING
WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RESOURCES
201 GREENBRIER STREET
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: (304) 348-7861 or 348-2107
PUBLIC NOTICE DATE: February 25, 1985

The Director of the West Virginia Department of Natural Resources (DNR) hereby gives notice of the opening of the public comment period on the state's application to the U. S. Environmental Protection Agency (EPA) for authority to operate the federal hazardous waste management program. A public hearing will be held at the following date and time.

The hearing will be at 7:00 p.m. on Wednesday, March 14, 1985, in the Division of Water Resources' conference room, 201 Greenbrier Street, Charleston, WV.

The application contains a program description, Attorney General's statement and memorandum of agreement between the state and the U. S. EPA. The program description explains the scope, structure, staffing and resources of the state's hazardous waste management program, including an identification of where the state's program is more stringent than the federal program.

The Attorney General's statement certifies that the state's program complies with all relevant federal requirements. The memorandum of agreement establishes the responsibilities of the state and the U. S. EPA after the program is delegated to the state.

All comments will be taken into consideration by the Department of Natural Resources. Comments will be accepted until March 27, 1985 and should be addressed to:

Ronald Patesta, Director
WV Department of Natural Resources
1800 Washington Street, East
Charleston, WV 25305

Attention: Ron Shipley, Hazardous Waste Coordinator
The application will be available for review between the hours of 8:30 and 4:30, Monday through Friday in the public information office at the Division of Water Resources, 1201 Greenbrier Street, Charleston and at the district offices located in Fairmont, Parkersburg, Arthur, Romney and French Creek. A limited number of copies will be available for a nominal fee. For more information, call 348-7861.
R. Feb. 25

STATE OF WEST VIRGINIA,
COUNTY OF OHIO.

I, John H. Smith for the publisher of the

WHEELING NEWS-REGISTER
WHEELING INTELLIGENCER

newspapers published in the CITY OF

WHEELING, STATE OF WEST VIRGINIA, hereby certify that the annexed publication was inserted in said newspaper on the following dates:

commencing on the 21st day of February, 1985

Given under my hand this 21st day of February, 1985

Sworn to and subscribed before me this 21st day of February, 1985 at WHEELING, OHIO COUNTY, WEST VIRGINIA

Linda M. Lydick
Notary Public

of, in and for OHIO COUNTY, WEST VIRGINIA.

My Commission expires June 22, 1985

COMMENTS RECEIVED
RCRA FINAL AUTHORIZATION
WEST VIRGINIA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WATER RESOURCES

MAR 27 1985

March 26, 1985

OFFICE OF DIRECTOR

Mr. Ronald Potesta, Director
West Virginia Department of Natural Resources
1800 Washington Street, East
Charleston, West Virginia 25305

Attention: Mr. Ron Shipley, Hazardous Waste Coordinator

Dear Mr. Shipley:

RE: West Virginia Hazardous Waste Program Comments

This letter will confirm my 3/21/85 phone comments to Mr. Ron Shipley on the subject of hazardous waste requirements applicable to generators that would be more stringent than those required by the federal RCRA program.

Owens-Illinois, Inc, a major manufacturer of glass containers with a plant in Huntington, West Virginia, would object especially to any proposed provisions that would unduly restrict "satellite accumulation" activities. In certain cases, a hazardous waste collection device located in a manufacturing area is only partially filled after 90 days. We believe that this "satellite accumulation" container should not be subject to the 90 day storage limit that differentiates between generators and hazardous waste storage facilities.

There may be other more stringent provisions in the state's proposed program with which we are not familiar since our phone request of last week has not yet produced a copy of the proposed program. Certainly, we would object to any unwarranted, more stringent provisions because of: (1) our preference to work with a standardized national program which can be implemented at all of our many plants, and (2) the lack of time to respond to the state's 2/25/85 public notice date, and the corresponding 3/27/85 comment deadline, which we just became aware of last week.

We do, of course, support the state's interest in developing a well conceived, and reasonable set of hazardous waste regulations that will protect the environment and human health, without stifling industrial growth. Please contact me at (419) 247-2328 if there are any questions about these hastily contrived comments. We heartily thank you for providing us with this opportunity to respond.

Very truly yours,

J. L. Green
J. L. Green
GCD Environmental Control
las



RECEIVED
DEPT. OF NATURAL RESOURCES

MAR 19 1985

WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION
1558 Washington Street, East
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: 348-2275 OR 348-3286

OFFICE OF DIRECTOR

March 6, 1985

Mr. Ron Shipley
EPA/State Hazardous Waste Coordinator
West Virginia Department of Natural Resources
Hazardous Waste/Ground Water Branch
1201 Greenbrier Street
Charleston, West Virginia 25311

Dear Mr. Shipley:

We have reviewed the draft EPA/STATE Memorandum of Agreement (MOA) of February 22, 1985. A copy of the MOA with marked revisions is attached. Significant comments are outlined as follows:

II. Section IV. State Responsibilities, Part B Permit Issuance.

Item 1. General, first paragraph, provides that the State permits will be issued in accordance with "all applicable Federal requirements". It is suggested that this phrase be revised to require compliance with all Federal requirements in effect one year prior to submittal of the State application.

The next to last paragraph of Item 1 which reads "If the Director of the APCC . . . as specified in Section 19.15." should be deleted and the following provisions inserted.

"If the Director of the APCC tentatively decides to terminate a permit under Section 21.02 of the APCC Regulation XXV, he shall issue a notice of intent to terminate. A notice of intent to terminate is a permit action which follows the same procedures as a draft permit. Such procedures shall be followed prior to the issuance of any order of termination of a permit.

The Director of the APCC shall hold a public hearing whenever he receives written notice of opposition to a draft permit and a request for a hearing is filed within forty-five (45) days of the public notice under Section 19.12 of APCC Regulation XXV.

Item 2. Submission of Permitting Information

The MOA (Item Description (2) for Major or New Facilities) provides that the State will provide EPA copies of all trial burn permit applications and all trial burn plans (if different from trial burn applications). It is suggested that the following phrase be inserted after the word "applications") "unless EPA has been carbon copied by the facility".

Memorandum

TO: Robert P. Wheeler, Acting Director
Office of Environmental Health Services

DATE: February 25, 1985

FROM: William Aaroe, Director
Industrial Hygiene Division

RECEIVED

RE: RCRA Final Authorization Application -
Program Description

FEB 27 1985

Water Resources
Division

The following are my comments on the above subject:

1. Health Department is listed in Table 2.1 as having permit, enforcement and appellate authority.
2. After that, I did not see any mention of Health Department while DNR-DWR, APCC, DOH, PSC, WR Board are ad nauseous. Also, the Office of Oil & Gas and Shallow Gas-well Review Board is not mentioned after being listed in a manner identical Health in Table 2.1.
3. Is this an oversight? (3a. typo on page 32)
4. I noted that staffing data and fiscal data are given for DNR, APCC, DOH and PSC only.
5. I noted that only DNR and APCC permit procedures are given with WR Board listed appellate-wise.
6. DWR, APCC, DOH and PSC only are mentioned under enforcement.
7. A MOU between DWR and APCC is in the Appendix; also a MOU between DWR and DOH; none for DWR - Department of Health. Is there one?
8. No mention is made of referring problems to the Health Department by DWR in the Appendix E.

WA:hmp

Final Authorization
Response to Comments
page two

Volume II, Appendix V of the application package. The Department has included this version of the PSC regulations in the final application.

The West Virginia Air Pollution Control Commission (APCC) provided several comments on the proposed memorandum of agreement (MOA). The two most significant comments related to state responsibilities in permit issuance and submission of permitting information. All changes recommended by the APCC have been included in the MOA, which is provided in the final application.

The West Virginia Department of Health submitted comments noting that the application's program description lacks explanation and description of the agency's roles and responsibilities, and those of the Office of Oil and Gas, and the Shallow Gas Well Review Board. The state's Hazardous Waste Management Act provides authority to the WV Department of Health over hazardous waste with infectious characteristics. As described in Table 2.2 of the program description, the infectious wastes portion of the state program is beyond the scope of the RCRA Subtitle C provisions. Therefore, no elaboration of the Health Department infectious waste program authority is needed in the application. The same is true of the authorities and responsibilities of the Office of Oil and Gas, and the Shallow Well Review Board.

The Department of Health also commented on the lack of explanation of the role of that department in program activities which may require evaluation of health impacts. The Department of Natural Resources and other operating agencies within the program utilize the expertise of the Health Department by consultation and referral when evaluation of health impact is required. These consultations and referrals are performed on case-by-case basis as the need for them arises.

DEVELOPMENT (AUTHORIZATION) PLAN

DEVELOPMENT PLAN

The State of West Virginia intends to achieve final authorization by January, 1985. The acquisition of necessary resources for implementation of final authorization will be accomplished in a step wise manner through the existing Cooperative Arrangement and Interim Authorization (Phase I and Phase II Components A & B). The following schedule outlines the projected completion dates for each phase of program implementation.

<u>Date</u>	<u>Activity Description</u>
July, 1983	- State submits letter requesting extension of Interim Authorization along with final application for Interim Authorization Phase I and Phase II Components A and B.
	- EPA negotiates schedules for Final Authorization during FY '84 grant negotiations with the State.
July-September, 1983	- State prepares legislative package for statutory and/or regulatory revisions or modifications.
October, 1983	- EPA's decision to grant Interim Authorization Phase I and Phase II, Components A and B.
January-March, 1984	- State enacts revisions and modification authorized by the legislature.
March, 1984	- State submits draft application for Final Authorization.
May, 1984	- EPA transmits comments to the State on draft application.
June, 1984	- State addresses EPA comments on draft application.

- July, 1984
 - State holds a public hearing on its draft Final Authorization application.
 - State modifies their draft application in response to public comment and submits its official application for Final Authorization to EPA.
- August, 1984
 - EPA performs its completeness review and submits comments to State on the Final Authorization application.
- October, 1984
 - EPA publishes a Federal Register notice announcing the Agency's tentative determination on West Virginia's Final Authorization application and announces a public hearing.
- November, 1984
 - EPA conducts its public hearing on West Virginia's Final Authorization application.
- January, 1985
 - EPA publishes a Federal Register notice of its final decision on West Virginia's application for Final Authorization including a Responsiveness Summary on public comments.

The regulations governing financial responsibility, and air and water transportation have been promulgated as emergency regulations to meet the requirements of interim authorization. Land disposal, and ground water monitoring regulations have also been promulgated on an emergency basis. The State will propose final regulations and submit them to the Legislative Rulemaking Committee during the 1984 session. After legislative approval final regulations will be promulgated.

It is estimated that agency staff requirements for Full Authorization will be twice that for Interim Authorization. Adequate staff levels for Full Authorization will be accrued prior to and after program delegation by EPA. Based on an estimated needs assessment the state will need a total of fifty (50) work years for program implementation.

The DNR is pursuing the development of legislation to supply the total program with a stable and continuous source of revenue for implementation of final authorization. A legislative package is being prepared for the 1984 session. This should allow the state to accrue the needed resources by January, 1985.